REPORT OF THE COMMITTEE ON SUBORDINATE LIGISLATION

SHRI P. BABUL REDDY (Andhra Pradesh) : Sity, I beg to present the sixty-ninth Report (in English and Hindi) of the Committee on Subrordinate Legislation.

SHRI DIPEN GHOSH (West Bengal): Sir, before the Motion of Calling Attention is taken up.....

MR. CHAIRMAN : Why not Wait till the Education paper is taken up. You are going to refer to your letter....

SHRI DIPEN GHOSH : But you may not be in the Chair at that time. Since I have addressed a letter to you I wanted a reply from you.

MR.. CHAIRMAN : I have referred the letter to the Minister and I will let you know.

SHRI DIPEN GHOSH : O.K. Sir.

CALLING ATTENTION TO A MATTR OF URGENT PUBLIC IMPORTANCE

The Continued Suspended Animation of the Legislative Assembly of Jammu & Kashmir.

SHRI K. MOHANAN (Kerala): Sir, I beg to call the attention of the Minister of State for Home Affairs to the continued suspended animation of the Legislative Assembly of Jammu & Kashmir.

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS AND IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA): Sir, On 7th March, 1986, the President of India received a report from the Governor of Jammu & Kashmir, informing of certain political developments in the State wherby the Government of Shri G.M. Shah was reduced to utter minoriti. The Governor also conveyed his assesment that the law and order and security of the State was under serious threat which was further compounded by the grave political instabillity. Since the Governor was satisfied that the Government of the State could not be carried on in accordance with the provisions of Constitution of Jammu & Kashmir and he wanted to issue Proclamation immediately under sub-section(1) of Section 92 of the J&K Constitution, the President was pleased to give concurrence as required under sub-section (5) of Section 2 of the Consititution of Jammu & Kashmir.

Governor's rule in the State of Jammu & Kashmir was proclaimed on 7th March, 1986, and Legislative Assembly was kept under suspended antimation by the Governor in exercise of his powers under the Constitution of Jammu & Kashmir. Since then the law and order situtation in the State has been generally under control and normalcy is being restored.

Under-sub-section(3) of Section 92 of the Constitution of Jammu & Kashmir the Proclamation shall cease to operate on the expiration of six months from the date on which it was first issued. During this period it is for the Governor of Jammu & Kashmir to ake a view in this matter.

SHRI K. MOHANAN : On 10th March, 1986, immediately after the imposition of the Governor's rule in Kashmir on the floor on this august House, I asked certain questions regarding the suspended animation of the Jammu & Kashmir Assembly after dismissing the Ministry of G.M. Shah. Sir, at that time, I asked a question : What prevented the Centre to dissolve the Assembly of Jammu & Kashmir and order a fresh election in that State ? Is there another move on the part of the Centre to engineer defections and impose Ministry of Defectors in that State ? The reports appearing in the

[Shri K. Mohanan]

press for the last two or three days forced me to ask or repeat these questions once again.

The situation in Jammu & Kashmir is very dangerous. The present crisis is the direct result of the opportunistic policy followed by the ruling party at the Centre by extending the support to Mr. G.M. Shah and to installl a Ministry of Defectors in Jammu & Kashmir some 20 months back, Sir. everybody knows that Mr Shah is neither a democrat nor a nationalist. The Congress (I) by providing support to Mr. G.M. Shah has given a free hand to divisive and anti-national forces in that State. Sir, never before under any regime pro-Pakistani eliments in Jammu & Kashmir were so strong; and communal polarisation was not in such a magnitude in Jammu & Kashmir after the independence of this country. My party has warned the Central Government against its intervention to topple the dully elected Government of Dr. Farooq Abdullah and installation of the Governmtnt of Defectors because it would help divisive and separatist elements in that State. It has created a situation of instability. After 20 months this is that exactly happened in that States. With the direct support of Congress-I to Mr. G.M. Shah, Communal forces like Jamati-e-Islami and other fundamentalist organisations exploited the situation, unleashed violence and communal riots in that State. The tradition of unity and communal harmony especially during the days of freedom struggle under the leadership of late Shri Shikh Aboulah has receivied a serve jolt under the regime of Defectors Cabinet headed by Mr. G.M. Shah.

Even at the time of partition the Jammu & Kashmir never witnessed communal riots. The patriotic people of Jammu & Kashmir, with arms in their hands fought back the communal and anti-national forces even on those days. But Sir, unfortunately, the situation in Jammu and Kashmir, which is one of the most sentsitive border States of our country is critical. Not only that, on the backgrund of the new developments in Punjab which is a neighbouring State of J&K, the situation is getting alarming.

It was obvious that Mr. G.M. Shah was trying to dervie strength himself with the support of the Muslims fundamentalists and anti-national elements. Over and above this, Mr. G.M. Shah tried to strengthen himself with the direct support of Congress(I). Congress(I) was a a helpless spectator for the last 20 months of Mr. G.M. Shah's regime in Jammu & Kashmir. This has led to unprecedented communal riots in Jammu and Kasmir. Such crisis were never seen during the several upheavals which the State witnessed during the past several years.

Not only the Muslim communal forces but also Hindu Communalists in the Jammu region took advantage of the situation. Provocative activities of the organisations like Hindu Shiv Sena and some other Hindu Communalists organisations took advantage of the situation and they spread all kinds of rumours and also created tension among the people. Sir, the Hindu minority in the valley and the Muslim minority in the Jammu area are in fear and panic and there is no communal amnity, harmony and unity in that State which never happened in the Kashmir valley in the history of this country Even at the time of partition, the people in J&K rousedto the occasion and defended the unity of this country and they fought back the communal elements and the anti-national elements in this country.

Now the Jamaat-e-Islami people opened Madrasas in Jammu and Kashmir especially in the Kashmir valley and these Madrasas are some kind of hatcheries for antinational elements, some kind of nurseries for the antinational elements in Jammu and Kashmir. I do not know whether the Government is aware of this new situation? Sir,

ast month i.e. on 18th April, 1986 India was defeated by Pakistan in a cricket test match in Sharjah and immediately after that, throughout in the Kashmir valley, these anti-national elements organised victory celebration. Sir, this celebration was not with a sportsman spirit but it was engineered by the anti-national elements to rouse the feeling against our nation, engineered by the antinational elements and pro-Pakistan, elements in the region.

Sir, impositon of the Governor's rule and keeping the Assembly in animated suspension, this used further a doubt about the credibility of the moves of the Central Government. Sir, I would like to say that the Central Government's approach to this issue on the narrow, partisan political bases would prove to be disastrous It will be disastrous not only to Kashmir but to the whole of this country to the interests of the whole of this country. Sir, according to the latest reports which have appeared in the press, there is a move to install a Ministry of the Congress (I) Party with the help of defectors of defectors--like king of kings. From the group of defectors of G.M. Shah. 14 members had defected again, if the reports which have appeared in the press at correct, and now there is a move from the Central Government and the ruling party at the Gentre to impose a Government of defectors ef defectors. If this happens, it will be more dangerous. I appeal to the Government, I urge upon the Government to give another chance to the people of Jammu and Kashmir to elect their representative in a free manner Only a Government formed with the support of the people, with the help of the people and with a new verdict of the people, can manage the situation in Jammu and Kashmir.

Of course, everybody knows who is behind the incidents in Kashmir. (*Time-bell rings*) I will conclude in one minute, In the background of the international situation, everybody knows that the American imperialists are engineering these defections and riots in that State. I urge upon the Government only a popular Government with the support of the people of Jammu and Kashmir can manage the situation. Even in this statement there is no reason given by the Government as to what prevents this Government from ordering fresh elections in Jammu and Kashmir. So I repeat the queston that I put on the 10th March 1986: what prevents this Government from ordering fresh elections in Jammu & Kashmir ? And I would also like to know from the Minister whether they are engineering another defection to install another Ministry of defectors. If this happens, it will be dangerous not only to Jammu and Kashmir but also to the whole of the country. Thank you.

MR. CHAIRMAN. Mr. Gopalsamy. Absent. Mr. Upendra.

SHRI PARVATHENENI UPENDRA (Andhra Pradesh) : Mr Chairman, Sir,.....

SHRI R. MOHANARANGAM (Tamil Nadu) : Sir, generally party-wise you have to call. Generally you used to call like that. There was a procedure like that here. Suppose some persons join together and just put their signatures and send you a Calling Attention Notice, without consulting other, it does not mean that the other parties will not get a chance.

MR. CHAIRMAN : It is an internal party matter The Chair cannot interfere.

SHRI R. MOHANARANGAM Suppose I Join another five persons and send you a Calling Attention Notice, completely omitting the others is it proper for you to omit the other persons? (*Interruptions*)

MR. CHAIRMAN : All right I will try to accommodate somebody from your party.

SHRI R. MOHANARANGAM: that means, the second biggest party will be given an opportunity to speak last.

MR. CHAIRMAN : The order in which the Members will be called is entirely at the discretion of the Chair. You cannot say that a leader having a larger number of Members must have precedence. It is not correct. Now, Mr. Upendra.

SHRI PARVATHANENI UPENDRA: Mr. Chairman, Sir it is unfortunate that the Government of India and the ruling party at the Centre have all along been bungling particularly on issues relating to the border and sensitive States. Whether it is Punjab or Assam or Kashmir, there have been instances of wavering and indecision, resulting in the situation becoming volatile and explosive.

The Prime Minister, in the early stages of his ascendency to the high office, had given the impression that he was above partisan considerations and in fact, when he hailed the victory of the Akali Dal in Punjab as "a victory of Bharat Mata" we hoped that he would allow the Bharat Mata to win in more and more States in the years to come. But, either on his own or due to the advice of the people around him, lately partisan and political considerations started clouding the actions of the Prime Minister and the Government, making the problems more complex. The July 2, 1984 coup in Jammu and Kashmir, when overnight the popularly elected Government was dismissed, replacing it with a puppet and defector Government, sounded the death-knell of democracy in that State. The puppet regime of G.M. Shah was allowed to continue for as long as 20 months in spite of our repeated pleas on the floor or Parliament and outside that this corrupt and illegal Government of G.M. Shah should be dismissed and fresh elections should be held in that State. Ultimately, due to the pressure of public opinion, the Government took a decision on March 7, 1986 to impose Governor's rule in that State putting an end to the 20-month old infamous rule of G.M. Shah. But all of us expected that the Government would follow it up with the dissolution of the Assembly and announce fresh elections, and, in fact, that option was available to the Governor under Article 53 of the Jammu and Kashmir Constitution. Instead, the Governor took recourse to Article 92 of the Jammu and Kashmir Constitution to which I would lkke to refer :

> "If at any time the Governor is satisfied that the situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the Governor may, by proclamation, assume to himself all or any of the functions of the Government..." etc. etc.

Under Clause (3) of Article 92 :

> "Any such proclamation, whether valid under sub-section (2) or not, shall, except where it is proclamied revoking a previous proclamation, cease to operate on the expiration of six months from the date on which it was first issued."

The Constitution of Jammu and Kashmir on this point is very clear. The Governor's rule cannot be extended beyond the six months' period which will expire on September 6, 1986 by which time elections will have to be held in Jammu and Kashmir. I believe the Congress Party in the State is making strenuous efforts to stage a come-back by taking the support of the defectors, re-defectors and re-re-defectors. Fourteen of them have defected thrice so far, they have pledged their support to the Congress Party and there are indications that the Congress Party also is wavering in its decision; perhaps it is tilting towards assuming power in the State. If it happens, it will be a very dangerous step. I am told that G.M. Shah has published a booklet yesterday and circulated it widely in the State of

Jammu and Kashmir in which he alleged that on March 6, before Governor's rule was imposed, he was called by the Prime Minister here and given two options: either to join the Congress so that his Government could be converted into a Congress Government, or support the 26-member Congress group in the Assembly so that the Congress Party can assume power. I do not know whether the Congress will deny this allegation made by G.M. Shah. And, Sir, Shri G.M. Shah also says that he did not agree to either of these two proposals and because of that he was dismissed and the Governor's Rule was imposed. That itself indicates that the Congress (I) is in favour of assuming power even with the support of the defector-MLAs.

Sir, they also tried to bargain with Dr. Farooq Abdullah. They offered support to him to take up the reins of administration there and then have a coalition with the Congress (I) Party which Dr. Abdullah had wisely rejected. These fourteen defectors had earlier called Dr. Abdullah anti-national. But they later came forward to support Dr. Abdullah in forming a Government there. But he refused that offer also. Sir, in all these happenings, the Governor, Mr. Jag mohan, has been making correct recommendations to the Union Government. Though we had occasions to criticise him on certain other aspects in this House, at least in this case, Mr. Jagmohan had tired to undo the mischief he had done earlier and he has been sending correct recommendations to the Centre from time to time. Sir, after assuming the reins of administration there, he has been taking a number of steps also to clean up the mess created by Mr. G.M. Shah number of telegrams are being sent against Shri Jagmohan from various parts of the country, from Jammu and Kashmir itself, to the Central Government asking for his replacement I believe there are serious efforts to change the Governor. Once Mr. B.K. Nehru was reluctant to take action against Dr. Abdullah and he was changed and a pliable Mr. Jagmohan was brought in. But Mr Jagmohan has become a hot potato now and there are efforts to change him also and send another Governor. But this will be highly objectionable if the Centre resorts to that step. I have been told that senior Congress (I) leaders from the Centre have been going to the State capital of Jammu and Kashmir, Srinagar, from time to time, trying to influence the Governor to change his stand on this particular issue. Sir, Kashmir itself is in a very delicate situation now. Recently, it witnessed a communal riot of the worst type. Jammu and Kashmir never had, in its history, this type of a communal riot. As many as 25 temples were desecrated and destroyed and people in 20 villages were attacked by anti-social elements.

In the booklet published in Shri G.M. Shah yesterday, I am told he has charged that the Congress (I) Party was behind these riots and he has named as many as 140 Congress (I) active workers, who were involved in these cases of arson and looting in the Anantnag district itself . No judicial inquiry has been ordered so far into these incidents. If Mr. G.M. Shah's allegation is correct, then the Congress (I) Party's role in the State is all the more reprehensible.

Sir, the Congress (I) Party now wants the full integration of Jammu and Kashmir with the rest of India. There are parties who want to abrogate article 370 of the Constitution. I do not support that demand until the Kashmiris themselves decide in its favour. But there are certain things which are obnoxious. For example, the radio station in Jammu and Kashmir is still called "Radio Kashmir".Though the Doordarshan is treated as a part of the Central Doordarshan, the radio is treated as an independent unit and is called "Radio Kashmir" and it is not "Akashvani Srinagar." I do not know why these things are still being allowed and the sooner we change these things the better.

[Shri Parvathaneni Upendra]

Sir my friend, Dr. Farooq Abdullah, also has been vacillating in the recent past. He has been pinning his high hopes on the Congress (I) Party and he has been distancing himself from the national Opposition lately in the hope that the Congress (I) Party will bail him out or probably it would help him in coming back to power. He will definitely come back to power once the elections are held and elections will have to be held and, therefore, it is a piece of advice to Dr. Abdullah that he has to intensify his agitation in the State so that elections are held as soon as possible.

Sir, lastly, I would like to ask the honourable Minister one thing. He has said in the statement that it is for the Governor of Jammu and Kashmir to take a view in this matter before the six-month period ends. I would like to know from him whether they will stop pressurising the Governor and will they be ready to accept his recommendation and hold the elections? They should also place on the Table of Parliament the report submitted by the Governor in this respect. Thank you.

SHRI M. S. GURUPADASWAMY (Karnataka) : Mr. Chairman, I welcome this debate on Jammu and Kashmir. Sir, the House is aware of the political and economic and communal situation in Kashmir. For us in the House the unity and integrity of India remain inviolable and also unassailable. It is as important as the functioning of democratic institutions. Jammu and Kashmir provides a crucial test for our secular politics. It is in Jammu and Kashmir, Sir, that there is a continued and increasing threat to both the unity and integrity of the country and also secular politics of India. This is a very sensitive region. My friends in the Treasury Benches are also aware of this. In spite of this, it is rather sickening to see that some of the elements in the ruling party continue to indulge in what I call politics of piracy in Kashmir.

Sir, when G.M. Shah became the head and established his own Government, you know the kind of situation prevailing there. G.M. Shah group was a group of defectors as my hon. friend has already said. And this group formed the Government and the Congress Party became an accomplice and abettor of this group forming a Government by a set of defectors is bad. Supporting that Government of defectors is worse. That was what exactly happened. All the norms, salutary norms, and values were given up by the Congress Party at the Centre and at the State level, and they blatantly indulged in supporting a Government which can never survice in the ordinary course. Perhaps they do not realise the damage that they are causing to the fabfic of democratic polity and undermining public opinion there. This Government lasted for nearly 20 months and it took 20 months for the Government of India and the Governor to realise the seriousness of the mistake committed in the past. These was deterioration of law and order. Besides, as my friends have said, there were religious and communal disturbances erupting in many places. One consequence was that many holy shrines were pillaged, destroyed and desecretated. Many people died It gave scope to divisive, separatist and extremist forces to operate here. Then the Governor's rule was introduced and this Governor's rule was was inevitable in the circumstances at that time. But what disturbed us was that the Governor kept the Assembly in animated suspension and that has been the cause of worry. The straightforward fourse was to dissolve the Assembly and to order a fresh poll.

Now, Sir, the defectors' government has gone. But an attempt is being made by the Congress Party there, perhaps supported by the Congress Party here, to form a Government supported by the defectors. Sir, the defectors' Government supported by the Congress Party or the Congress Party Government support-

ed by the defectors is one and the same to me. Both are the same. It is like Tweedledum and Tweedledee. I warn the Treasury Benches that they should not make an effort to form the Government there. This will belittle the will, the opinion and the wishes of the people of Jammu and Kashmir. Therefore, my demand is that the Governor should dissolve the Assembly immediately and announce the elections. There should not be any surreptitious attempt to form the Congress Party Government supported by the defectors. This is a crime that you are committing against Jammu and Kashmir. This is a crime against democracy also. Sir, in this way, we will not be strengthening the fabric of the Indian unity. We will undermine that unity. Whoever indulges in lessening, debilitating, destroying and eroding the fabric of unity and integrity of this country should be dealt with firmly, whatsoever he may be. So, Sir, I would like my friend, the hon. Minister, to assure us in tis House that steps will be taken to hold fresh elections in the Assembly, the Governor's rule will be ended soon and all the political parties will be given a chance to contest the elections freely and fairly.

Lastly, Sir, there are various extremist elements. I am conscious of the time. You are looking at me. There are various extremists, anti-social and anti-secular elements operating in this region. They have been there all along. No effort has been made by the local Government or by the Centre to see that these elements are mopped up. And no political, social or administrative action has been taken to isolate then, to identify them and to establish an environment where the healthy elements, elements who believe in freedom and democracy function effectively in Jammu and Kashmir.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : मान्यवर, जून 1983 में जनता द्वारा चुनी हुई जन प्रतिनिधियों की सरकार जम्मू काश्मीर में बैठायी गयी थी । लेकिन उस के बाद, कुछ दिनों बाद राज भवन में जुलाई 1984 में जन प्रतिनिधियों की सरकार को बरख्वास्त कर दिया गया और उस के बाद वहां पर दल-बदलुओं की सरकार, ऐसी सरकार जिस के सभी मंत्री दल बदलू थे, उस सरकार को वहां बिठाया गया जी. एम. शाह साहब के नेतृत्व में । जब यह सरकार बनी उस समय एक ही विद्वान लेखक हैं श्री एच के दुआ, उन का एक लेख इंडियन एक्सप्रेस में छपा था 8 मार्च 1986 को और मैं समझता हूं कि जी. एम. शाह सरकार के बनने के सिलसिले में इस से अच्छी और कोई आलोचना नहीं हो सकती । मैं उसका एक उद्धारण यहां पढ़ना चाहता हूं । उन्होंने इस आर्टिकिल में लिखा है:-

"The G.M. Shah Government was born in sin. Those responsible for its coming into existence included Mrs. Indira Gandhi, Mr. Rajiv Gandhi, two of their closed advisers —Mr. Arun Nehru and Mr. M.L. Fotedar—and the State Congress (I) The obliging Governor, Mr. Jagmohan agreed to let his living room and not the floor of the Legislative Assembly be used for a tset of majority to replace Mr. Farooq Abdullah."

और 20 माह तक वहां दल बदलुओं की यह सरकार चलती रही । इसबीच में वहां पर अन्तर्राष्ट्रीय गतिविधियां होती रही । इस बीच में वहां पर पाकिस्तानी झंडे फहराए जाते रहे । इस बीच वहां पर राष्ट्र विरोधी नारे लगाये जाते रहे और अन्त भाग में 1986 में एक दंगा हुआ जो जम्मू काश्मीर में आज तक नहीं हुआ था । उस के बाद वहां पर राज्यपाल महोदय गये और वहां पर जा कर सारी जांच पडताल की और उस के बाद जो भी मांगपत्र अल्पसंख्यक लोगों ने लाकर प्रधान मंत्री, गृह मंत्री जी को दिया, वहां के राज्यपाल को दिया उस पर कोई भी कार्यवाही नहीं हुई । आज भी वहां पर जो राज्यपाल महोदय का शासन चल रहा है यह कोई लोकतांत्रिक व्यवस्था नहीं है । वहां की विधान सभा एनीमेटेड सस्पेंशन में है और मेरी मांग है कि वहां की विधान सभा तत्काल भंग की जाय और जैसी कि

[श्री सत्य प्रकाश मालवीय]

नेशनल कांफरेंस के द्वारा फारूख अब्दुल्ला मांग कर रहे हैं वहां सितम्बर और अक्तूबर में आम चुनाव कराये जायें। किसी भी लोकतंत्र में जो सबसे अच्छी व्यवस्था है वह जनता द्वारा चुनी हुई सरकार की व्यवस्था होती है। लेकिन आज भी जो समाचार मिल रहे हैं और जिस प्रकार की सरकार चाहे कांग्रेस आई की मदद से गतिविधियां वहां पर चल रही हैं उन से साफ जाहिर होता है कि वहां पर फिर सरकार बनाने की साजिस चलाई जा रही है। वह सरकार चाहे कांग्रेस आई की मदद से बने या किसी और तरह से लेकिन जम्मू काश्मीर की आज जो व्यवस्था है, जम्मू काश्मीर की आज जो हालत है वहां के लिये कोई विकल्प नहीं है सिवाय इसके कम से कम इतना तो आज ही किया जा सकता है कि वहां की जो विधान सभा है जिस को एनीमेटेड सस्पेंशन में रखा गया है उस को अविलम्ब भंग कर दिया जाय और जब वहां की विधान सभा भंग हो जायगी तो यह निश्चित हो जायगा कि जो वहां अल्पमत की सरकार या दल बदलुओं की सरकार बनाये जाने की साजिश की जा रही है वह वहां पर नहीं हो पायेगा। इस लिये मेरी एक तो मांग यह है कि जो वहां की विधान सभा है उस को तत्काल भंग किया और दूसरे आज ही इस सदन को और इस सदन के माध्यम से सारे देश को इस बात का आश्वासन देना चाहिए कि वहां पर अविलम्ब चुनाव कराये जायेंगे। आज भी जी. एम. शाह जब हट गये तो भी वह बराबर इस बात की घोषणा कर रहे हैं कि कांग्रेस पार्टी के अध्यक्ष मेरे ऊपर इस तरह का दबाव डाला कि मैं अपने दल का खालिदा गुट जो है उस का मर्जर कांग्रेस पार्टी में कर दूं। मान्यवर, 28 मार्च को एक सार्वजनिक में, जब कि वहां पर एसेंबली सस्पेंडेड एनिमेशन में है, जी. एम. शाह एक सार्वजनिक सभा को संबोधित करते हुए कहते हैं, मैं उसका उदाहरण देना चाहता हूं :—

'MR. Shah's latest outburst came on 28th March, 1986, exactly 21 days after his dismissal from power. In a public meeting of his party workers in Srinagar, Mr. G.M. Shah, the Natoinal Conference leader said and disclosed that the Prime Minister, Mr. Rajiv Gandhi, had tried to presurise him to merge his party with his organisation which I refused."

तो मान्यवर, इस समय जो हालात वहां पर चल रहे हैं इनसे यह सिद्ध होता है कि जी. एम. शाह और फारूख अब्दुल्ला से भी कांग्रेस आई के अध्यक्ष ने इस बात का निवेदन किया था कि वे वहां पर सरकार बना लें। तो मान्यवर मेरा निवेदन है कि सरकार को सार्वजनिक आश्वासन देना चाहिए कि विधान सभा भंग होगी और वहां की जनता जो कि चुनी हुई सरकार की मांग कर रही है जिस-को जनता में विश्वास प्राप्त हो वह प्रतिनिधि सरकार वहां पर स्थापित हो। इसके अलावा वहां कोई विकल्प नहीं है। सरकार को फिर से गलती नहीं करनी चाहिए कि वहां पर दल बदलुओं की सरकार बने।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, as I belong to Jammu and Kashmir, you will kindly bear with me for a few minutes more.

Sir, the Minister has under clause 3 of his statement stated that under sub-section (3) of section 91 of the Constitution of Jammu & Kashmir the Proclamation shall cease to operate on the expiration of six months from the date on which it was first issued. So, this corroborates our viewpoint that the Governors rule must end on or before the 6th September, 1986. But, there is one sentence Sir, in the very statement which to me appears to be a little ominous and I want a clarification from the Minister on that, and that is that "During this period it is for the Governor of Jammu and Kashmir to take a view in the matter." Now, how will and what will the Governor of Jammu and Kashmir take a view about. I have before me the newspaper Statement dated the 9th May, 1986 and it says, the heading is "Option to from Government Open Says Mufti Mohammed Sayeed." Srinagar, May 8, "The Pradesh Congress Committee (I) Chief,

Mufti Mohammed Sayeed has indicated the possibility of his party forming the Government in the State as and when demanded to do so. Reports P.T.I. He said, while his party continued to extend support to the Governor's rule, it had not closed its options to take a claim to form the Government with the majority support. The fact that the Governor had placed the Legislative Assembly in suspended animation implied that there was no obstacle in the way of the Congress(I) forming the Government, the Mufti told a Public meeting on Tuesday at Baramula, 62 kilometres from here. Referring to Dr. Farooq Abdullah's demand for a dissolution of the Assembly and holding of elections in the State, the Mufti said that the demand was untimely and illogical and the Assembly had three more years to go through three more years to go. He said that his party was opposed to bringing about a situation of instability in the State and would support holding elections after the life of the present Assembly expired in the normal course"

With this observation of Mufti Mohammad Sayeed, who has just been inducted as a Minister in the Central Cabinet, suspicions arise in our minds that under the proviso to clause 3, which the hon. Minister has stated that it is for the Governor of Jammu and Kashmir to take a view in this matter he may, perhaps, ask the Pradesh Congress to form the Government with the support of the 13 defector. With regard to these 13 defectors, except Mr. G.M. Shah, D.D. Dhakur and Mr. Kochak who were members of the Legislative Council, all these 13 people were members of the Assembly and are members of the Assembly. Now, while withdrawing support from Shah Government——which means these 13 people—the leader of the Legislature Party of Congress-I Mr. Iftikhar Hussain Ansari stated in his letter to the Governor that "The 26-member Congress-I party had offered support to Mr. Shah to form the Government on the specific assurances that he would strengthen the secular democratic and patriotic forces, curb the forces of communalism and disintegration, implement a positive programme envisaging the elimination of corruption streamlinging the administration, giving justice and fairplay to the regions and areas of the States bring, the State closer to the national main stream, give the people of the State a clean and efficient administration and usher in economic reforms providing relief to the common man. Now, while writing this letter to the Governor, the leader of Congress Legislature Party very categorically stated that "Events of past few months have proved that the Shah Government despite unqualified support of the Congress had failed to honour its commitments and deliver the goods. It has not only paralysed the administration, multiplied corruption, resorted to unabashed nepotism and favouritism but has also hobnobbed with and encouraged the communal and divisive forces with the result that the State has been plunged into serious economic and political crisis." This has been stated by the Leader of Congress Legislative Party in the present January and Kashmir Assembly.

Another very interesting reference in this connection is the interview given by the same Mr .Ansari to *TELEGRAPH* in which he had stated that : "But during his regime, the situation changed from bad to worse and after the recent communal disturbances during which the State administration totally failed to act on time, we thought that enough was enough. We then decided to part ways with a corrupt and worthless government". So, this, corrupt and worthless government consisted of these 13 people plus Mr. G.M. Shah, D.D. Thakur and Mr. Kochar who were members of the Legislative Council. Today, as he has been given out in the *STATESMAN* if it is said that Congress-I will now form the Government with the support of these13 or 14 defectors, I cannot

[Shri Ghulam Rasool Matto]

understand the rationale behind it because it has been very clearly observed while introducing the Anti-Defection Bill in Parliament —that we want clean politics. If clean politics is to be there, then under the circumstances, it is not possible for Congress which brought the Anti defection Bill in the House, to have anything to do with these 13 defectors.

With regard to these defectors, it has come out in the newspapers that corruption charges with regard to fifty crores of rupees, have been referred to the CBI by the Governor. I have just received a newspaper report from Kashmir in which it is stated :

मुफ्त घावलों को फराहम करने का स्कैण्डल तश्तअजवाम शेख जब्बार और कई सरकारी अहलकार मुलब्बिस ।

Free ration was to be supplied to 1400 people of Kangan and the defector Minister Sheikh Jabbar called the tehsildar and said: 'No. make a list of 6000 people instead of 1400' and then all the ration for these 6000 people was taken away by him. This is the scandal. Then there is a scandal about pipes; there is a scandal about insecticides for which the Governor has made a reference to the CBI.

I only wish to point out that this legislation of Anti-Defection Bill in this House was enacted only on moral grounds. On moral

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grounds. is it possible for the Congress, which claims that it is a secular, democratic and clean organisation, to have anything to do with these thirteen people who have nothing but corruption to their credit? Sir, I would like the Minister to kindly inform this House... Of course, he has very categorically said in his statement. That Governor's Rule cannot be extended beyond six months It should be on or before the 6th September that Governor's Rule will have to end. But I would like the hon. Minister to clearify his statement wherein it is said 'During this period, it is for the Governor to take a view in this mttger'. It should be made very clear that there will be no directions from the centre nor from the Congress high command for that matter, that they will not hobnob with these thirteen defectors. Sir, mention was made about..

MR. CHAIRMAN : Have you finished ?

SHRI GHULAM RASOOL MATTO : Mention was made about the communal disturbance in Kashmir. Sir, I will take just one minute more. Shri Ahmed Hashmi asked a question in this House the other day, whether Government propose to appoint any enquiry commission in regard to the communal distrubances in Jammu and Kashmir. The hon. Minister Shri Arun Nehru, said in reply 'the Government of Jammu and Kashmir are competent to order an enquiry into the law and order incidents under the provisions of the Jammu and Kashmir Commissions of Inquiry Act, 1962'. I would ask the hon. Minister can he assure us that he will ask the Governor to institute an enquiry into the details of the recent happenings in Jammu and Kashmir, under the 1962 Act ? I would like the hon. Minister to make a very clear statement because the people of Jammu and Kashmir are looking forward with great hopes as to how the Government will react in Parliament today because it will have far-reaching consequences on the political atmosphere of the State more particularly so when Dr. Farooq Abdullah had announced yesterday that 32 Members of the Assembly of his party and placed their resignations in his hands to be presented to the Governor, to be submitted to the Governor, at the appropriate time. I would like the Minister to kindly tell us what is the

actual situation. We want to know the actual position. If they do not want elected representatives of the people to govern the State, let them come out with that statement. If they do not want, we will know where we stand. If it is to be made clear, this is the best time. The Government should make the position clear right now. Thank you.

SHRI GURUDAS DAS GUPTA (West Bengal) : Mr. Chairman, Sir, I shall only request the House and the Minister who is here to reply to tackle the problem of Jammu and Kashmir not only from the legalistic aspect of democracy and having Constitutionally-elected Government there. Of course, I consider this aspect to be very important. It is very important to have elections there. It is very important to have an elected Government there. It is very important to respect the wishes of the people of Jammu and Kashmir. Therefore, the point of democracy is very important and there is no question of undermining it. But I shall only request this august House, the Government and the Minister to take into consideration, to take into account, the global strategy of American imperialism, while tackling the problem in Jammu and Kashmir. Imperialism is very important and relevent in relation to Jammu and Kashmir. Only this morning, there is a report in the newspapers which says 'U.S. Army team in occupied-Kashmir; military experts are touring military installations according to intelligence reports; they inspected two airstrips and the high-altitude guerilla training institute'. This means, on the other side of Jammu and Kashmir, we have the presence of American imperialism, its experts and it is financing of anti-national and anti-Indian forces. They have built two airstrips in that part of Kashmir, which is known as occupied Kashmir. They have set up an insitue for the training of guerillas to be despatched into our country in threaten our integrity. American imperialism is just on the other side of Kashmri, on the soil of Pakistan.

Secondly, Sir, it is quite relevant to take into account what the American Ambassador has said in the Security Council when India has placed on behalf of the Non-aligned movement its resolution on Libya. Being angry the gentleman had said that they will teach us a lesson.

Americans seldom speak empty words, at least in relation to the non-aligned countries. The truth is, American imperialism has stepped up its activities inside and outside the country Who can deny that American bulid up is not mounting in Pakistan? Today's newspaper also comes out with another report that the gentleman who is ruling in Sri Lanka as the head of the so-called elected Government, is seeking more American arms. And may I submit, Sir, that American arms are not only to suppress the movement of the Tamilians there, they are also directed against the sovereignty, integrity and the policy of the non-alignment that our country stands for?

Thirdly, Sir, it is quite well known that there is the presence of American fleet in the Indian Ocean. It is also a truth that America is building up oil consortium in a part of Ceylon. Therefore, Mr Chairman, India is encircled. The Government must take into consideration the dangerous consequences that may follow from the policy it is pursuing in relation to Kashmir. They are playing not only with democracy but with imperialism to the extent the people of Kashmir will be hostile, to the extent that people of Kashmir will feel ignored by the Government which rules from Delhi. To that extent the ground will become fertile for the American forces, it will become fertile for the anti-National and secessionist forces. It is not a question of my party alone. It is the question of nation, it is the question of the country as a whole, it is the question of anti-imperialism which is a part of our national policy. You cannot fight

[Shri Gurudas Das Gupta]

imperialism without having an elected Government. You cannot fight imperialism by having a dictatorial regime in Kashmir. Therefore, there has to be democracy in Kashmir. The will of the people of Kashmir has to be respected in order to sterngthen their resolve to fight against American imperialism, in order to build up a united front of the Indian nation against the American imperialism, in order to see that American imperialism is not given any more chance to belittle India in Kashmir. That is the simple truth. Our rulers ruling from the throne in Delhi have to understand this. It is dangerous too for the people occupying high position to have smallintention and small perspective. To have a small perspective for the people of high position is dangerous. You have to take into consideration the national interest before taking into consideration whether you can form another defectors's Government again in Kashmir in the name of Congress. Shri G. M. Shah has gone. The Minister has stated that there is lawlessness in Kashmir. According to Mr. Jag Mohan, Law and order has broken-down. Can you tell us whether there was any time under that the regime of defectors when there was law at all there ? There has been no law from the very beginning, there is no question of its breaking down. The Government itself was illegal. The child was illagitimate and an illegitimate child was born still. Now it seems the parents out of craze for another child are trying to have a second baby, probably a test tube baby. You want to have a Government again of the defectors, in the name of Congress. I can tell you this experiment of test tube baby is also going to fail. The policy of the Government of India is full of dangers and paradoxes because, Sir, in the international scene the threat of war looms large, the American tentacle seem to be extending over India. American shadow over India seems to be prolonging. The dengar of war has increased. They have attacked Libya. Therefore, in such a situation when the American imperialism is enleashing its offensive against the Third World countires--and India is not an exception--we cannot afford the luxury of scuttling democracy in Kashmir. That is the fundamental point. It seems the policy of Governmnt is one in Punjab and quite another in Kashmir. Quite legitimately you are having an elected government in Punjab to fight secessionists, but you are not having an elected government in Kashmir to fight anti-national forces. If the elected government in Punjab is strong enough and should be there to fight secessionists, why don't you have in the same way an elected government in Kashmir to fight the anti-national forces. There are two standards. The Government is having double standards. Therefore, Sir on behalf of my party—the Communist Party of India—I demand immediate elections in Kashmir. I demand that the game of adventure the Government has embraked upon in again forming another illegitimate government in Kashmir should be given-up.

Thirldy, I believe that this problem should be considered in the broad prespective of the threat of aggression by American imperialism against India and its encirlement by forces inimical to this country.

Lastly, I would like to read out a small para from the statment of my party. My party says : Demand made be certain people regarding the scrapping of Article 370 being carried out expeditiously by Government in Kashmir before the new Assembly and a popularly elected government comes into being, is extremely sinister and deserves to be denounced. We do not agree with the demand being put forward by some people that Art. 370 should be scrapped. We believe that the manouvre of the Congress Government to scuttle democracy is reactionary. In the same way we believe that the demand for scrapping of Art. 370 also deserves to be rejected.

In the end, I again plead, I again beg the Government not to consider the problem of Kashmir, not to tackle the question of Kashmir in a partisan way, in a party way. It should be viewed in the broad perspective of national interest, in the broad perspective of building and expanding our front against imperialism. We should take into consideration which way we can fight American imperialism and its penetration into Kashmir -- whether by having an elected government or by destroying democracy there. That is my point. I hope the Minister will take time to answer my points categorically.

श्री कैलाशपति मिश्र (बिहार) : सभापति महोदय, सन् 1953 के प्रारम्भ में ही भारत के एक महान पुरुष डा. श्यामा प्रसाद मुखर्जी ने एक घोषणा की थी। उन्होंने घोषणा की थी कि देश के भीतर कहीं भी दो प्रधान, दो संविधान और दो निशान नहीं चल सकते। जम्मू कश्मीर के अन्दर दो निशान चल रहे थे, दो संविधान काम कर रहे थे और वहां मुख्य मंत्री का पद नहीं था प्रधानमंत्री का पद था।

[श्री उपसभापति पीठासीन हुए]

उपसभापति महोदय, मैं समझता हूं कि सरकार इस बात को भूलेगी नहीं। डा. श्यामा प्रसाद मुखर्जी ने अपने जीवन की बाजी लगा दी। जम्मू-काश्मीर और भारत के बीच में आने जाने के लिए परमिट सिस्टम लागू था और उन्होंने घोषणा करके परमिट सिस्टम को तोड़ कर के काश्मीर के अन्दर प्रवेश किया। 23 जून, 1953 में श्रीनगर की जेल में डा. श्यामा प्रसाद मुखर्जी की रहस्यमय मृत्यु हो गई। आजादी की ओर जब ध्यान जाता है तो पहले का अखण्ड भारत जिसमें अब का बंगलादेश, पाकिस्तान है, भारत की 1947 से ले कर आज तक लगभग 40-42 करोड़ की आबादी से बढ़कर 100 करोड़ के ऊपर पहुंच गयी है लेकिन 1947 में श्रीनगर में घाटी के अन्दर तीन लाख हिन्दुओं की आबादी थी आज वह घट कर के 70 हजार पर पहुंच गई है। 1947 से ले कर 86 तक श्रीनगर की घाटी में जो हिन्दू थे उनकी आबादी बढ़ी नहीं उनकी आबादी जहां पर थी वहीं पर रुकी रही। तीन लाख से घट कर 70 हजार पर आबादी आ गयी। लगातार पाकिस्तान समर्थक, भारत विरोधी, आज तक एक नहीं असंख्य घटनाएं घटी हैं। अगर कहीं क्रिकेट मैच होता है हिन्दुस्तान और पाकिस्तान के बीच में और भारत हार जाता है तो जम्मू-काश्मीर के इलाके में दीवालियां मनाते हैं, पाकिस्तानी झण्डे लगाते हैं, पाकिस्तान जिन्दाबाद के नारे लगाते हैं। 20 फरवरी, 1986 के बाद आखिर हुआ क्या ? अनन्तनाग, बारामूला आदि कई जिलों के अन्दर 60 से अधिक हिन्दुओं के मन्दिरों को अचानक तोड़ दिया गया। बहुत कष्ट होता है। घरों के ऊपर हमले एक दिन नहीं लगातार सात-सात दिन तक होते हैं। मेरे दल की एक टीम गयी थी। वहां के काश्मीरी ब्राह्मणों ने एक छोटे से पॉलियों में ग्रस्त लड़के को सामने रख दिया, बताया कि उसकी टांग हवा में उछाले जा रहे थे, कब इसकी हत्या कर देंगे, कब कर देंगे यही लगातार चलता रहा। तीनगर घाटी के काश्मीरी पंडित यहां आये थे एक दस्तावेज लिखकर दे गये, मेरे पास पड़ा हुआ है। आज के भारत के प्रधान मंत्री से मिलने गये। पंडितों से बात होने के बाद पता लगा कि प्रधान मंत्री ने क्या किया ? सुनते-सुनते भारत के प्रधान मंत्री राजीव गांधी भी रोने लगे। मुझे प्रसन्नता है कि उनकी आंख में रूलाई फूटी। वे भी रोने लगे काश्मीरी पंडित बार-बार पूछ रहे हैं कि बताओ, मेरा अपराध क्या है, मैं अब कहां रहूं, किधर जाऊं। उन्होंने कहा मेरे घर की चाबियां ले लो अब मैं यहां रहने की स्थिति में नहीं हूं, ले चलो भारत में कहीं। तो सबसे पहले मैं यह जानना चाहता हूं कि 20 फरवरी 1986 के बाद जो जो अत्याचार हुए गांव लूटे गये, फसलें लूटी गईं, सब प्रकार से बरबाद हुए तो आपने आज तक जूडीशियल इन्क्वायरी क्यों नहीं बैठाई ? जिनकी संपत्ति की बरबादी हुई आपने उनको मुआवजे के रूप में क्या दिया ? इससे भी आगे बढ़कर कहना चाहता हूं कि क्या हम यह मानकर चलें कि श्रीनगर की घाटी अब भारत का अंग नहीं रही, हमारी सरकार नहीं रही, हमारा समर्थक नहीं रहा? यह हमसे अलग जाने पर उतारू है, हम रोक नहीं सकेंगे ? महोदय, आज

[श्री कैलाशपति मिश्र]

राज्यपाल का शासन है मैं कहना चाहता हूं कि आज भी काश्मीर के अंतर्गत दो संविधान काम कर रहे हैं, एक भारत का संविधान और एक जम्मू-काश्मीर का संविधान । इतना ही नहीं आज भी वहां दो झण्डे काम कर रहे हैं, एक भारत का तिरंगा झण्डा दूसरा जम्मू सरकार का एक अलग झण्डा । आखिर यह क्या हो रहा है । 370 धारा की मुर्गी के अण्डे को क्यों पाले चले जा रहे हैं, क्यों बढ़ाये जा रहे हैं । यह साम्प्रदायिकता का सवाल नहीं है । अगर भारत की एकता रखनी है, भारत की सुरक्षा का विचार करना है तो 370 धारा को समाप्त करने के लिए यही एक अवसर है । आखिर वहां राज्यपाल का शासन चल रहा है और राज्यपाल किसके अधीन हैं । आप जी. एम. शाह को बचायें, हटायें, चुनाव करवायें, जो भी करायें लेकिन जब तक अलग मनोवृति, अलगाव की मनोवृति बनी रहेगी, जम्मू-काश्मीर के अन्दर ऐसी स्थिति बनी रहेगी तो न वहां हिन्दू टिक सकता है और पाकिस्तानी षडयंत्र रुक सकता है, न भारत की सुरक्षा वहां से किसी प्रकार से मजबूत बन सकती है । इसलिए मैं कहना चाहता हूं खुली घोषणा करना चाहता हूं कि डा. श्यामा प्रसाद मुखर्जी के बलिदान को, भूलिए मत, एक निशान, एक प्रधान, एक संविधान लागू करिए और लागू करने के साथ चूंकि आपके राज्यपाल बैठे हुए हैं इसलिए यही अवसर है कि आप धारा 370 समाप्त कर दीजिए । एक संविधान के अंदर, एक नागरिकता के अंदर . . . (व्यवधान) सम्पूर्ण श्रीनगर को भारत में मिलाइये। मुझे मालूम है कि आप जैसे लोग इसी प्रकार से हैदराबाद के बारे में चिल्लाने वाले थे लेकिन वहां पर सरदार पटेल, जिनके लिए मुझे अपार श्रद्धा है, ने, सरकार ने एक बार निश्चय कर लिया कि भारत का अंग रहेगा और अवश्य इस क्षेत्र में वैसी कोशिश नहीं की । बहुत चिल्लाने वाले थे । गई सेना, कभी-कभी आवश्यकता पड़ती है, तो जाती है और ऐसे लौह-पुरुष की आवश्यकता है । हां, अखंड भारत की आवश्यकता है । श्रीनगर भारत का अंग है, जम्मू एण्ड कश्मीर भारत का अंग है । उसका अलग चरित्र, अलग प्रकृति उसकी नहीं रह सकती और मैं घोषणा करना चाहता हूं कि अगर सरकार धारा 370 समाप्त करने के लिए तैयार नहीं होगी, तो इस देश के अन्दर एक पार्टी है, भारतीय जनता पार्टी, यह इस सरकार का नांको दम कर देगी 370 धारा समाप्त करने के लिए । **(समय की घंटी)**

महोदय, अब मैं नवभारत टाइम्स में छपे समाचार से पढ़ कर सुनाता हूं । अब यह पाक-अधिकृत कश्मीर के अंदर क्या हो रहा है ।

हाजी पीर दर्रे के अंदर वहां पर मिलिटरी ट्रेनिंग दी जा रही है । पहले वहां टेरोरिस्ट्स को ट्रेनिंग दी जा रही थी, आज भी टेरोरिस्ट्स को ट्रेनिंग दी जा रही है ।

यह नवभारत टाइम्स है, कोई हमारा अखबार नहीं है । 12 तारीख के नवभारत टाइम्स को पढ़ लीजिए--पाक-अधिकृत कश्मीर में सैनिक सरगर्मी बढ़ी । आप देश की सुरक्षा की बात कर रहे हैं, लोकतंत्र की बात कर रहे हैं । इस बात को आप मत भूलिये कि देश की आजादी, देश की अखण्डता, देश की एकात्मता, देश की एकता, यह सब चीज से ऊपर है और इसकी रक्षा किसी भी कीमत पर करनी होगी ।

महोदय, जो कास्ट पीढ़ीमठ के पंडित वहां से गुजर कर आए थे, वह भारत के प्रधान मंत्री से मिले और यह पौधा भी उनको भेंट किया। मैं थोडा सा उसके अंश पढ़ कर सुना देता हूं । अन्तनाग प्रबंधक कमेटी लिखती है--

"The secessionist and anti-India forces who have infiltrated into pocket of influence within then State administration and the major political parties like the Congress-I and NC openly declared this Jehad upon this unfortunate docile and peaceloving section with the desired result that exodus of Kashmiri Hindu has started feverishly after 20th Feb. 1986. Entire Kashmiri Pandit Villagers are pooling their meagre resources and sending their vanguard outside the valley and the State to find tracts of barren lands for a settlement in an atmosphere where they can breathe freely.

"The Governor's rule was imposed to arrest this trend which would

otherwise make Kashmir virtual Pakistan where the Anti-Indian forces would keep the military engaged in ding-dong battles at home and make a Pakistani attack more easier from across the borders."

अड़तीस वर्षों की आजादी के बाद भारत में रहने वाले किसी भी धर्म, किसी भी मजहब के नागरिक को आज अगर वह दुर्दिन देखना पड़ता है, यह दुर्दशा देखनी पड़ती है, तो फिर ऐसी सरकार जो राष्ट्र की एकात्मता और अखण्डता की घोषणा करे, उसको डूब मरने के लिए चुल्लू भर पानी काफी है।

महोदय, यह साम्प्रदायिक सवाल नहीं है, यह राष्ट्र की अखण्डता और एकता का सवाल है। इसलिए मैं कहना चाहता हूं **(समय की घंटी)** एक तो आपने यहां तक हिम्मत नहीं की कि जो जेहाद हुआ, जो अत्याचार हुआ, उसकी जांच तक नहीं करवाई। क्यों नहीं करवाई ? जो 20 फरवरी के बाद जम्मू एण्ड कश्मीर, श्रीनगर की घाटी में जो घटना घटी उसके लिए आज तक कोई जुडिशल इन्क्वायरी आपने क्यों नहीं बिठाई है ?. लेकिन मैं जानता हूं कि आप टालते रहेंगे, इधर-उधर कुछ करते रहेंगे और आप जुडिशल इन्क्वायरी नहीं बिठायेंगे। आपकी हिम्मत नहीं है।

आप जानते हैं कि वहां पुलिस की क्या हालत है। मैं खुली घोषणा करना चाहता हूं कि कश्मीर की पुलिस के अंदर जमायते-इसलामी के लोग बुरी तरह से भरे हुए हैं। दंगा होता है, तो वह दंगाइयों के साथ जुड़ जाते हैं, अत्याचार पर अत्याचार करवाते हैं। कुछ केसेज जब पकड़ लिये जाते हैं, तो वहां की पुलिस चालान तक कोर्ट में पेश करने के लिए तैयार नहीं है। आज वहां की यह स्थिति दिखाई दे रही है। वहां की पुलिस पर क्या भरोसा करें।

इसीलिए मुझे कहना पड़ता है कि सचमुच में अगर श्रीनगर, जम्मू एण्ड कश्मीर के लिए आप चिंतित हैं, तो सम्पूर्ण भारत के नक्शे में एक अस्तित्व, एक समान जम्मू एण्ड कश्मीर को लाकर खड़ा करें और धारा 370 को समाप्त करें। यह सब से प्राथमिक आवश्यकता है।

श्री गुलाम रसूल कार (नाम निर्देशित): यह धारा तो रहेगी. . . **(व्यवधान)** इसको कोई नहीं हटा सकता है।

SHRI CHITTA BASU (West Bengal): Sir, the present stalemate in Jammu and Kashmir imbroglio has its genesis in the illegitimacy of Shah Government resting on the schameless shoulders of the defectors and which was brought into power by the ruling party at the Centre. We cannot ignore this genesis for a moment if we are to discuss the present situation in Jammu and Kashmir. The manner in which the defectors' Government was brought into power, to speak the least, is an atrocious assault on the well-settled parliamentary democratic norms in our country. This was done only to subserve the narrow selfish and partisan interests of the ruling party at the Centre. I would also like to State-and State very clearly—that the party interests prevailed over the democratic interests of the people of Jammu and Kashmir and the over-all interest of the nation as a whole. Therefore, democracy is not safe in their hands. And in the situation which is developing in Jammu and Kashmir, nobody can deny that anti-national forces are working, nobody can deny that the communal forces are at work and nobody can deny that secessionist forces are also increasingly coming out. In the external environment the situation is all the more alarming. I do not want to discuss them here at moment, but I must say that external environment should also be taken into consideration to meet the situation. The distruction of democracy is not the way to meet the situation. It is imperative that the roots of democracy are further strengthend. To meet the situation it is not proper to deny the democratic rights of the people. On the contrary what is necessary is to enthuse the broad masses of our people to retain, preserve and further expand the democratic rights of the people. I am sorry this has not been done. We will be very thankful to the hon. Minister if he assures us that the democratic principals will be adhered to.

[Shri Chitta Basu]

Sir, the dismissal of the Shah Government was a right step. There is no doubt about it.

SHRI SATYA PRAKASH MALAVIYA : It was a belated step.

SHRI CHITTA BASU : Of Course, it was a belated step, but here again I would say that national interest, the interest of democracy, interest of the stability of Jammu and Kashmir was not properly taken into consideration. Even before deciding upon the dismissal of the Shah Government the democratic norms were violated and propriety was not respected. The democratic norms demand the Constitution of India demands and the Constitution of Jammu and Kashmir demands that the Legislative Assembly there should have been dissolved for the purpose of holding a fresh election to have people's vardict recorded once again. But, Sir, I would say they want notthe House to determine the majority they want a bungalow, a drawing room where the majority in the House is to be decided. And again the reports are being made that suspended animation of the Assembly was prompted by the ill-conceived design to indulge in horse-trading leading to the thrusting upon the people of Jammu and Kashmir a Government of the Congress (I) against their will. This is very much clear. I do not want to take the help of the statement by the Congress-I president in Jammu and Kashmir. It has been very lucidly explained here and right from the begining they are trying to impose a Govenment of the Congress-I over the people of Jammu and Kashmir against the will of the people. They are having still that view is clear. Shen the Honourable Minister made a statement he mentioned that the Governor has to take a view in this matter as if the controus of the Constitutional position is not clear enough - and as if Mr Jagmohan has to take a new decision beyond the framework of the Constitution of India and Jammu and Kashmir. Sir, so far as the Constitution of India is concerned, it is clear. So far as the Constitution of Jammu and Kashmir is concerned, it is very, very clear. Therefore, Mr. Jagmohan or anybody has got no option other than to accept the Constitutional position in this respect. Further article 92 of Jammu and Kashmir says particularly I mention sub-article 2 and 3. There is a provision in sub-article 2 that the proclamation can be revoked or varied by a subsequent proclamation. But under sub-section 3 it is very clear. If it is varied, it should not be more than six months. There is no ambiguity on this position-whether the proclamation is there in entirety or it is varied. The position is very clear that the proclamation should cease to exist with the expiration of six months from the date on which it was first issued. If you want I can read this specific provision of the Constitution here. The Honourable Minister makes a statement that the Governor will take a view. What is the view he has to take? He has no other view to take other than to announce for the election before 6th or 7th September this year. May I know from the hon. Minister is there any other exigency. or is there any stance to avoid that? If you do not make it clear now, the suspicion made or expressed by many will be taken by me that it shall contain some grain of truth. In this context the statement of Congress-I Presdient and Dr. Farooq Abdullah are there on record who have said that if the elections are not held within the six months then they will have to resign from the Assembly and force the Government to hold the elections. (*time Bell rings*) Sir my definite specific question to the hon. Minister is: Do they want that the battle of democracy should be fought outside the Legislature ? Do they want that the battle for democracy, we are called upon to wage in the streets ? This is the pre-condition you are creating. The statement made by Dr. Farooq Abdullah is an expression of desperation. He wants to restore democracy. We the parties working for the interest of the people are for restoring de mo-

cracy in Jammu & Kashmir. Do you assure us that democracy would be established to the accepted norms of the Constitution of India and of Jammu & Kashmir? Or do you want I am very much pained to say that-democracy will be restored on the streats of Srinagar? Do you prefer it ? Do you invite it? Do you call for it ? Do you have the courage to say so? Then say it here that the Constitution has failed and we are not in a position to maintain democracy in our country within the framework of the Constitution. But as people are free to take the decision. They know how to retain, how to expand democracy and how to preserve it. Therefore, I feel that the hon. Minister should not leave the option for the Governor of Jammu & Kashmir to take a view. The view is clear that election in Jammu & Kashmir should be held before 7th of September of this year. (*Time bell rings*) Sir, I will take only one minute's time to give my opinion as well as my party's opinion regarding Article 370 of the Constitution. Sir, it is well known to everybody here that the founding fathers of the Constitution, after taking into consideration, in a particular situation accepted Article 370 of the Constitution providing for some special treatment for that State because certain peculiar situation prevailed at that time in Jammu and Kashmir in the context of the national situation. Sir, that context is valid even today. Moreover, unity of India cannot be established or strengthened if we take the concept of uniformity --- ek nishan, ek pradhan, ek vidhan. This is nothing but a uniformity. This concept of uniformity is prejudicial to the federal spirit of India India can alive, India can prosper India can preserve her entity only with the federal spirit. Therefore Sir, even from that stand point of federal spirit, unity in diversity is in accord which we should to take to and in the present circumstances, in Jammu and Kashmir and in the developments that are taking place in national level, any slogan raised for the abrogation of Article 370(c) is to inflame the feelings of the people of Jammu and Kashmir. Therefore. Sir, that proposal should not be countenanced and then I think the Government should make their position today.

SHRI M. KADHARSHA (Tamil Nadu) : Mr Deputy Chairman, Sir, from Kashmir to Kanyakumari India is considered to be one. Why is then Government applying different yard sticks to different States? What is the reason for giving preferential treatment to Kerala and a rather punitive treatment to Kashmir ? This is what I would like to know from the Minister of State for Home Affairs. Sir the charges levelled against Farooq Abdullah were also levelled against the Chief Minister of Kerala. But Sir, the Chief Minister of Kashmir was dismissed and the Chief Minister of Kerala was spared Why this discrimination? This is my first question.

Sir, no other State in India had been put under so much central pressure as Kashmir. People who do not have any hold in their home State of Kashmir, sit in Delhi and pull the strings according to their whims. This is the reason for all the maladies which Kashmir is undergoing today. Sir, again Kashmir is the only State where both father as well as son were removed from power qy an act of naked treachery. Sheikh Abdullah was not only a man of towering personality but he was a man of integrity and sincerity. He did not toe the line of the Centre, so he was dismissed in 1953. He was not only dismissed but also kept in a long detention of 22 years which no other person was subjected to in the independent India. Sir, later when the former Prime Minister, Smt. Indira Gandhi wanted to make rapproachment with him, she delegated power to him At that time she gave an assurance that Article 370 will be preserved. Now , some people are raising voice that Article 370 should be scrapped. My humble submission is that it should be the prerogative of the people of Kashmir to decide whether the Article should be retained or rejected. Sir, I would like to remind those who want to have uniformity about the srategic position no which Kashmir is situated. So, the Article should be retained. Sir, the statement says that Shah

[Shir M. Kadharsha]

Government has been reduced to uttar minority. Sir, I want to know from the hon. Minister when was it that Shah was in majority in Kashmir. He was placated. He was installed. Sir, we have passed legislation on Anti-defection Bill.

But the Government which wanted to show a "holier than thou" attitude, after passing the legislation engineered defections in Kashmir the proper thing would have been to conduct elections. But instead of conducting elections, Mr. G. M. Shah was installed as the Chief Minister. I do not know whether the Government is interested in governing the country or in conducting puppet shows like this. Sir, Mr. Shah proved to be a misfit. He could not deliver the goods and his administration totally failed. The last sentence of the statement of the hon. Minister says that it is for the Governor to take a decision on the holding of elections. I would like to know whether the same Governor did not send volumes of reports that showed that the Shah Government should be dismissed. I would like to know whether it is not a fact that he made a personal representation at Delhi and told the Government that the Shah Government should be dismissed, but the Government did not listen to it because Mr. Shah was a henchman of theirs. But now the Government is passing on the responsibility to the Governor saying that it is for the Governor to decide on the holding of elections. It is very unfair.

Sir, my friends also spoke about communal organisations. So many communal organisations have now sprung up in Kashmir. There is not only the Jamait-ul-Ulema, but there is also the Jamait-ul-Tulba. There is also the All India Sikh Students Federation. There is also the Shiv Sena. And many of these organisations are backed by the higher echelons in the administrative hierarchy. Even senior police officials are supporting some communal organisations. So I would like to know from the hon. Minister whether all communal organisations will be banned in Kashmir so that a healthy and cordial communal climate can be established in that State. The former Home Minister, Mr. S.B. Chavan paid a visit to Kashmir and he gave a statement after his return that infiltration was taking place in Kashmir. These are the very words that he used—"infiltration is taking place in Jammu and Kashmir." I would like to know from the hon. Minister whether the Government maintains any statistics of this infiltration. What steps were taken by the Government to flush out the infiltrators? What is the role of these infiltrators in instigating communal disturbances in Kashmir?

Finally, I would like to come to the all important question about the Assembly elections. Here again I am unable to understand why the Government is showing double standards in dissolving Assemblies. In the case of some States, the Government is dissolving the Assemblies immediately. But in the case of some other States, the Assemblies are kept in suspended animation. So my conclusion is that if there is no scope to gain power and form the Government, the Central Government dissolves the Assembly immediately. But if there is any scope to play 'hide and seek', if there is any scope to indulge in horse-trading the Central Government keeps the Assembly in suspended animation. This is my view. So, the proper thing will be to dissolve the Assembly in Jammu and Kashmir and conduct free and fair elections. And whoever gets the majority should be allowed to form the Government. This is my opinion. In a federal set-up, it is inevitable that various political parties can come to power. This we have seen in Tamil Nadu first. This we have seen in Andhra Pradesh. We have seen this in Punjab, in Assam and in Kashmir itself. So, the Government, without standing on any false prestige, should show tolerance and patience and a legitimate, elected Government should be allowed to

come to power. And when will the elections be held. These are my few questions to the hon. Minister.

SHRI P. N. SUKUL (Uttar Pradesh) : Mr. Deputy Chairman, Sir, I am thankful to you that you have given me this opportunity. to speak on this important subject of Jammu and Kashmir. Through this Calling Attention motion, our Oposition friends only want to attract the attention of the Government to the continued suspended animation of the Assembly, and they want that elections should be held forthwith so that the needs of democrary are met as early as possible. There is nothing wrong about it. If elections can be held, they should be held. That is the spirit of the Constitution to which we are all a party, including the Government. Once elections were held for five years or six years—in the present case for six years—all those people who stood by and voted for their candidates and those who fought the election, were all given to understand that the election was going to last for six years, How would they all feel and react if you suddenly scuttle the whole thing ? Still there are three years left and the Assembly can function for three years. Nobody has said that the Assembly will not be allowed to function. It has been kept under suspended animation only for the time being, as a solution for the time being because the Shah Ministry got reduced to minority. What to do, whom to give, was the question. That is why the Governor thought it over and came to the conclusion that a stable Government could not be formed in Kashmir and he, therefore, recommended to the Union Government that the Assembly should be under suspended animation for the time being and Governor's rule be clamped. Mr. Kailaspati Mishra was asking what our policy was, why we were not holding elections. What is our policy and what can be our attitude ?—He asked. Our policy is that the people of Kashmir should live peacefully along with the rest of India, as peacefully as other States of India and that, if possible, the ground lost during the Chinese aggresion should regained. This, so for as I understand, is the policy of the Government of India on Kashmir. The people of India should live in peace along with their brethren in the rest of India. And almost one-third of Kashmir was lost and is under foreign yoke and we are trying to get it back through peaceful means, through United Nations, not through war.

SHRI DIPEN GHOSH : (West Bengal) Through United Nations.

SHRI P. N. SUKUL: and if Pakistan agrees, through dialogue. Our policy is to get the lost ground back only through peaceful means, to keep the people there happy. Our friend from that side, Mr. Chitta Basu, also said and agreed that it is an abnormal situation..... (*Interruption*) Mr. Dipen Ghosh I generally do not punctuate your prononcements and I wonder why you should interrupt me.

I was saying there is already an abnormal situation as regards Kashmir. Kashmir is a frontier area, a boundary of the country. For ages outsiders came through Kashmir into India, this ruler, that ruler; the geographical situation is, therefore, abnormal, not like that of Andhra Pradash or Kerala or Karnataka. It is not a war-free territory as the other parts are in our country. Polictically too since the time of Alexander, people came to India through the north-west only and naturally Kashmir was attacked umpteen number of times by those who invaded India and ruled India. So, Kashmir's position has been like this for ages. Even at present, as I said, one-third of Kashmir is under foreign yoke and only two-third is under us. And in no other State is so much army deployed as is deployed in Kashmir. And you see, the Government of India gives subsidies and gives them active help and the amount of help that they render to the

[Shri P. N. Sukul]

State I don't think they render or they have to render elsewhere. It is the administrative requirement there. Our Army is there at a very high altitude and all these things are there. Elections, you see, will be there and they cannot be deferred beyond 1989. The Assembly is there and it has to function till then. The Opposition is there and it should be allowed to function. If you say that the Opposition should not be allowed to function till 1989, I then fail to understand what principle is moved in scuttling a Government elected by the people. The Assembly has hardly gone through half of its term and there is absolutely no sense in having elections now. The Governor is there and the Governor will have to decide it. You are not competent to decide.

SHRI DIPEN GHOSH : Then why are you speaking ?

SHRI P.N. SUKUL : You are not competent to decide. The Governor is the concerned man who has to take into consideration all the factors weighing with him. It is for the Governor, you see. You do not know and I also do not know. That is why I say that he is the man supposed to know the situation and, of course, the Government of India. The Government of India knows and the Government of India has its intelligence sources and it has its Defence intelligence and all that. But I am saying that constitutionally it is the Governor who is competent. He is supposed to know what is good and what is bad for the State so long as that State is under his control and the period of the Assembly has not expired there now. You cannot say that the period has expired and that we are not holding elections.

SHRI DIPEN GHOSH : Mr. Sukul, do you think that the Governor acts on his own volition in our country ? Do you think so ?

SHRI P.N. SUKUL : We know what the Opposition parties do. We know what the Opposition parties did so many times. Several times they tried, when Dr. Farooq Abdullah was there, to have the best kind of friendship with Dr. Farooq, and to have him in their conclave. As a matter of fact, in their conclave, they wanted to have him. It was a condave of so many parties, so many regional parties, I should say, and and not national parties. (*Time Bell rings*) They went to him and told Dr. Farooq Abdullah, "You do like this; you do like that.", and today, Dr. Farooq is no longer there. This has been your contribution in providing stability to that area or to the administration there. No doubt there are problems in the administration there. These are many problems. As you are saying, I personally agree, not that my party or my Government agrees, but personally I agree because of article 370 of the Constitution, to some extent, our officers who are there, the IAS officers and other senior officers who have been working there for thirty or thirty-five years, the Commissioners, the Secretaries to the Government, etc., these officers cannot purchase an inch of land in Jammu and Kashmir. Our officers cannot purchase an inch of land there. He cannot purchase an inch of land there where he works and serves and perhaps dies during the term of his office. That man is not allowed to purchase an inch of land in Jammu and Kashmir.

SHRI GHULAM RASOOL MATTO : It means you and your party want to scrap article 370 ? You want it ? (*Interruptions*) It means you want to scrap article 370 I think the cat is out of the bag now. (*Interruptions*).

SHRI P.N. SUKUL : Mr. Matto, please hear me. There are many senior officers and they have told me, "This is what the situation is today. We have to live and where is our home ? J & K is not my home although I belong to the J & K cadre. Although

I have served for 30 years as Deputy Commissioner or Collector, I have no home and I cannot purchase an inch of land.", This is what they have said. Of course, this is not the occasion to talk about it. Only because you mentioned it, I said that it has some impact, may be on our officers, may be on our administration, may be on our bureaucracy and all that. But this thing is there. However, immediately we are not concerned with it. What we are immediately concerned with is your calling-attention motion through which you want to attract the attention of the Government to the state of affairs in Jammu and Kashmir. I think personally that the State is all right and there is nothing wrong there about it. The decision of the Governor has been perfectly all right and the people who have been elected as Members of the Legislative Assembly for six years have got three more years to serve.

Now, why to deprive them, why not to allow them to serve for six years. ? I do not know the logic of Mr. Dipen Ghosh and people like him. Why the election should be held. We should try to sort out things. You know how cumbersome, how expensive an election is. You say yourself that elections should not be held frequently. In this very House the Opposition parties have said this. And you want an election where it does not suit you ? If it does not butter your side of the bread, you want election every day ? This simply is not possible. I think there is nothing unusual about the situation prevailing in Jammu and Kashmir as has been given in the statement itself. Everything is almost normal. You say that communal passions were there. No one was injured; that is the beauty of Srinagar. So many were injured elsewhere but not a single man was injured in Kashmir during communal disturbances, although people like those belonging to Jamait-e-Islami are there, although people like Mir Waz and Maulana Rasool or something like that are there. They pour out venom all the time against India. They hoist Pakistan's flags on tops of their buildings. They cheer up Pakistan's players in the cricket match. We have to deal with these elements.

The success of the administration lies in the fact that it is able to identify such persons and to punish them for their anti-national and terrorist activities. Should we forget that the Punjab terrorists' camps were held there ? The Minister replied to all that. What has not been held there? The animated suspension of the Assembly, in the circumstances, was perfectly in order. There is no abnormal situation calling for revocation of this rule, irrespective of the fact that the Assembly has to stay for three years. I, of course, wholeheartedly support the stand of the Government and the policy of the Government regarding Jammu and Kashmir, and I want that my friends on the Opposite should realise the gravity of the situation and just for petty political ends they should not put at stake the very unity and integrity of the country.

Thank you.

श्री गुलाम रसूल कार : जनाब डिप्टी चेयरमैन साहब, मुझे इस बात का जबर्दस्त अफसोस है कि अपोजिशन के मेम्बरान ने काफी हद तक गवर्नमेंट के स्टेटमेंट के बाद काश्मीर के प्रश्न को ऐसे उभारा है कि जैसे वहां कोई कयामत आ गई है। काश्मीर को हिन्दुस्तान के फेडरल स्ट्रक्चर में बाकी स्टेट्स के साथ एक नजर से देखना मैं महसूस करता हूं कि नामुनासिब और गैर-जरूरी है। काश्मीर का जहां तक ताल्लुक है, मुअज्जिज मेम्बरान इस बात से देखवर नहीं हैं कि हमारी सरहदें पाकिस्तान के साथ मिलती हैं, चीन के साथ मिलती है और बिनउल्कबामी तौर पर बराबर पाकिस्तान काश्मीर के मसले को उभारता रहा है। मुझे इस बात का अफसोस है कि प्रोग्रेसिव ख्यालात के लोग जो

[श्री गुलाम रसूल कार]

अपने आप को कांग्रेस से बहुत आगे समझते हैं और मसाइल के बारे में बिनउलक्वामी हालात के बारे में अपना नजरिया अलग रखते हैं और पाकिस्तान के बारे में उनकी मौकूफ हमारे मुकाबले ज्यादा सख्त होना चाहिए । वे महसूस करते हैं कि अमेरिका की वसातत से वहां पर एम्यूनिशन के अम्बार लग रहे हैं और जब कभी मौका मिलेगा तो वह एक ही सैंसिटिव स्टेट है जिसकी वह बिनउलक्वामी तौर पर उभारने की कोशिश करता रहा है, वहां पर वार कर सकता है । जम्मू-काश्मीर में कोई गलत बात नहीं हुई है । डा. फारूख अब्दुल्ला ने खुद ही इस बात की डिमान्ड की थी कि काश्मीर में

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असेम्बली को मुअत्तिल रखना चाहिए और वहां गवर्नर रूल होना चाहिए । जब साह गवर्नमेंट बरसरे इक्तदार थी, साह गवर्नमेंट को कांग्रेस ने सपोर्ट विदड्रा किया तो गवर्नर ने सबसे पहले डा. फारूख को टेलीफोन पर बात की । उन्होंने कहा कि मैं गवर्नमेंट बनाने की पोजीशन में नहीं हूं और मैं गवर्नर रूल के हक में हूं । उन्होंने कभी गवर्नर रूल की डिमान्ड नहीं की । लेकिन गवर्नर रूल के आने के बाद वहां पर जो हालात पैदा हो गये थे, करप्शन, माल एडमिनिस्ट्रेशन और अमनोअमान में रोजमर्रा अफतरी पैदा हुई थी, उसके बाद इसमें काफी हद तक सुधार हुआ और इस का मैं गवर्नर साहब को क्रेडिट देता हूं जो उन्होंने उखडी हुई रेल को पटरी पर लाने की कोशिश की । गवर्नर के अख्तियारात को इस पार्लियामेंट में, इस हाउस के जरिये आप मुदाखलत करना चाहते हैं लेकिन इस पार्लियामेंट को इसका आईनी-तौर पर कोई हक नहीं है । काश्मीर कांस्टीट्यूशन की तहत अगर कोई एक्शन गवर्नर ने लिया है तो काश्मीर कांस्टीट्यूशन को यहां डिसकस करना, उस एक्शन को यहां डिसकस करना आईनीतौर पर इस राज्य सभा इस पार्लियामेंट को कोई हक नहीं । लेकिन बार-बार उन बातों को उछाला जाता है । काश्मीर में इस क्वेश्चन को उछाला जाता है । मुझे एक दफे एक बड़े समझदार इंटेलेक्चुवल आदमी मिले, पंडितयाट थे, उन्होंने कहा कि सियासत का एक तरीका-कार है । बहस के नाते तौर नहीं बल्कि बहस मुबाहसा में ऐसे तौर पर इंटेलेक्चुवल को अपना हमनवां बना देते हैं और उनको पता ही नहीं चलता कि हम कहां जा रहे हैं। मैं समझता हूं कि वहां पर आज पाकिस्तान के जरिये हिन्दुस्तान के इतिहाद को बरहम बरहम करने की कोशिश की जा रही है । पाकिस्तान पंजाब में मुदाखलत कर रहा है और खुलेआम वहां, काश्मीर में मुदाखलत करता रहा है । इस पसमंजर को मद्देनजर रखते हुए हमारे अपोजीशन के मेम्बरान से मेरी गुजारिश है कि काश्मीर के बारे में उन्होंने काश्मीर, के बारे में एक मोहतात तरीका अख्तियार करना चाहिए । महज पार्टी पोलिटिक्स के नाते भरकज सरकार को इसमें बार-बार इन्वाल्व करना, तंग करना और मरकजी सर-कार पर इल्जाम लगाना नादुरुस्त बात है । अब गवर्नर ने वहां की हालत को सुधार करने की तरफ कदम उठाये हैं । इसमें अभी थोडा वक्त हुआ है, अभी दो-तीन महीने ही हुए हैं । मिनिस्टर साहब ने कहा कि यह गवर्नर की मर्जी है कि वह छः महीने तक या छः महीने के बाद भी उसको बढ़ा सकता है । आप क्यों गवर्नर के अख्तियारात पर मुदाखलत करते हैं । अगर गवर्नर ने कोई बुरा काम किया है, अगर गवर्नर ने वहां पर आइनी हदूद के आगे बढ़कर कोई गलत बात की तो गवर्नर राज को हटाने की बात हम समझ सकते हैं लेकिन ऐसी बात नहीं है । वहां कांग्रेस पार्टी यह महसूस करती है कि गवर्नर राज जो हमारा डेमोक्रेटिक सेटअप है, हमारे कांस्टिट्यूशन में वह इतकार मंजिल नहीं है । लेकिन वहां पर पापुलर सपोर्ट के द्वारा बनी हुई असेम्बली जो 6 साल के लिये थी वह मुतखिल हो गई । तीन साल के बाद हमारे घर में नहीं बल्कि नेशनल कान्फ्रेंस के घर तूफान आ गया । हम शेख साहब की कद्र करते हैं । एक मेम्बर ने शेख साहब की बहुत बडी तारीफ की । शायद उन्होंने शेख साहब को शक्ल भी नहीं देखी होगी, उनका काम नहीं देखा होगा । मुझे फख्र है कि शेख साहब के साथ बहसियत एक वालेंटर के तौर पर मैंने काम किया है । सन् 1931 से लेकर आज तक बराबर काम किया है ।

आज लोगों को इस बात का ख्याल रखना चाहिए कि हिन्दुस्तान का सेकुलर करेक्टर अगर कायम और दायम रहा तो यह इसलिये कि जो तूफान वहां आया, आगजनी और एक दूसरे को मारने की हालात में काश्मीर के लोगों ने, वहां की आवाम ने हिन्दुस्तान का साथ दिया और उस आग को ठंडा किया और इसीलिये यहां सेकुलर करेक्टर की बात कायम और दायम रही । (व्यवधान)... हम यह महसूस करते हैं आपको गवर्नर को मौका देना चाहिये हालात को दुरुस्त करने का, ला एंड आर्डर को दुरुस्त करने का । हम यह महसूस करते हैं कि वहां पर एडमिनिस्ट्रेशन में अफरातफरी थी एडमिनिस्ट्रेशन में फडमेंटलिस्ट्स का पेनीट्रेशन था । आप मौका नहीं देते हैं । आप कहते हैं कि 24 घंटे के अन्दर सब को ठीक करें । आप महसूस करते हैं कि वहां पर ऐसे हालात थे । एक तरफ आप उन हालात की वकालत करते हैं और दूसरी तरफ आप कहते हैं कि गवर्नर को हटाया चाहिये । ठीक है मैं आपके साथ मुत्तफिक हूं कि गवर्नर कोई हदमी इलाज नहीं है लेकिन 6 साल के लिए जो असेम्बली के मैम्बरान मुंतखिब किये गये हैं आप क्यों उनका हक मारना चाहते हैं, क्यों बार-बार इलैक्शन कराना चाहते हैं । इलैक्शन पर खर्च होता है । आप यह महसूस नहीं करते हैं इस बात को कि हमारे इस वक्त लद्दाख का इलाका है जो जून जुलाई में रास्ता खुलेगा जून जुलाई के बाद उनको रेस्ट आफ दी कंट्री के साथ मिलने का मौका मिलेगा । आप उनको क्यों नजरंदाज करते हैं । आप टिटवाल को बिलकुल नजर अंदाज करना चाहते हैं । टिटवाल में अभी दो महीने के बाद रास्ता खुलेगा । चाहे वहां एक कांस्टीट्यूंसी हो या एक ही वोटर हो आप क्यों उनको नजर अंदाज करना चाहते हैं । मैं आप से मोदबाना अर्ज करना चाहता हूं गुजारिश करना चाहता हूं काश्मीर के सेकुलर करेक्टर को बरकरार रखने के लिए, यह अलाहिदा बात है कि कुछ मोअज्जज मैम्बरान ने काश्मीरी पंडितों की बात की मैं यह कहना चाहता हूं कि कश्मीरी पंडित हमारे भाई हैं। हमारी हिस्टरी बताती है, हमारी सभ्यता में एक बदनुमा दाग लगा था। कोई मारा नहीं गया, किसी की बेटी की इज्जत नहीं लूटी गई लेकिन अगर किसी का मकान लूटा गया, किसी की दुकान लूटी गई, कोई पवित्र जगह जला दी गई हमें इस बात का अहसास है हमें इस बात की शर्मिंदगी उठानी चाहिये लेकिन उन हालात को जेरे नजर लाकर आप हिन्दुस्तान के हालात देखिये । आप यू. पी. के हालात देखिये, आप अहमदाबाद के हालात देखिये। वहां क्या हालात हैं । काश्मीर के हालात को आप उभार रहे हैं और मुझे अहसास है इसी बात का मैं नेशनल प्रेस वालों से गुजारिश करता हूं जिस तरीके से नेशनल प्रेस वालों ने काश्मीर के हालत को पेश किया कि काश्मीर में आग लगी हुई थी, तुफान आया था, इन्कलाब आया था मैं यह महसूस करता हूं कि यह बदनुमा दाग हमारे कल्चर में नहीं होना चाहिये था । लेकिन एक वाकया हो गया कौन इससे इन्कार कर सकता है । जैसे आपने कहा सिर्फ 70 हजार काश्मीरी पंडित हैं । वे हमारे भाई हैं । मैं ब्राह्मण जादा हूं, मैं भी ब्राह्मण हूं । मैं भी आपका पीर हूं । ऐसी बात नही है । काश्मीरी पंडित मेरे भाई हैं लेकिन एक बात सुनिये । (व्यवधान) यहां पर पम्पोश कालोनी है, यहां मरकजी सरकार के एडमिनिस्ट्रेशन में, स्टेट गवर्नमेंट के एडमिनिस्ट्रेशन में हजारों लाखों लोग काश्मीरी पंडित हैं यहां बसते हैं पम्पोश कोलोनियां में । उनको आबाद होना चाहिए । उनको नौकरियां मिलनी चाहियें । उनको इज्जत मिलनी चाहिये क्योंकि वह होशियार तबका है, होनहार तबका है, उनको कोई बीट नहीं कर सकता है लेकिन जिस तरह से आप पेश कर रहे हैं कि वहां काश्मीरी पंडितों को रहने का कोई हक नहीं है यह ठीक नहीं है । मैं यह कहता हूं कि काश्मीरी पंडित हमारे भाई हैं, ताज हैं, सरताज हैं, वहां पर उनको जिन्दा रहने का पूरा हक है लेकिन जिस तरह से आप पेश कर रहे हैं इससे उनका फायदा नहीं होगा, हमारा नुकसान होगा, उनका नुकसान होगा ।

दफा 370 की बात आप करते हैं । मैं प्रोग्रेसिव ग्रुप से पुछना चाहता हूं आप रियासतों के लिए खुदमुखतयार चाहते हैं, आप रियासतों के लिए ज्यादा अख्तियारात चाहते

[श्री गुलाम रसूल कार]

हैं । आप दफा 370 की मुखालफत कर के क्या उन फोर्सेस से हाथ नहीं मिलाते हैं जो स्टेट्स की खुद मुख्तियारी के खिलाफ हैं? **(व्यवधान)** जहां तक 370 का ताल्लुक है जब आप दूसरे लोगों की ताईद करते हैं तो इनडाइरक्टली आप उसको हिमायत करते हैं । आप उस चीज को नहीं भूल सकते, उनके साथ गले मिलते हैं, बगल मिलाते हैं, हम जनसंघ और आप में कोई फर्क नहीं लगता है लिहाजा मेरी गुजारिश है धारा 370 जो संविधान में रखी गई है वह काश्मीर के लोगों की बिल से काश्मीर की असेम्बली की बिल से है । अगर वहां के लोग वहां की असेम्बली इस दफा को हटाना चाहते हैं तो उनकी मर्जी से यह होगा आप की मर्जी से नहीं होगा । हम उसका डट कर मुकाबला करेंगे लेकिन जब तक हमारी जान में जान है जब तक काश्मीर के लोग नहीं चाहते, काश्मीर की असेम्बली नहीं चाहती तब तक दफा 370 खत्म नहीं होगी। जनाबेवाला, हमारे मोअज्जेज एक मैम्बर ने कहा कि आई.ए.एस. अफसर वहां जाते हैं । जहां तक स्टेट सबजेक्ट का कानून है यह कांग्रेस के वास्ते स्टेट सबजेक्ट का कानून नहीं है । यह शेख अब्दुल्ला ने स्टेट सब्जेक्ट का कानून नहीं रखा है । महाराजा प्रताप सिंह के जमाने में काश्मीर में महदूद जमीन होने के नाते स्टेट सब्जेक्ट का कानून रखा गया कि बाहर के लोगों को वहां जमीन खरीदने की इजाजत नहीं है । बहैसियत सैयार के बहैसियत मेहमान, बहैसियत हुक्मरान आप आ सकते हैं इसमें कोई रुकावट नहीं है लेकिन जहां तक जमीन का ताल्लुक है, जमीन महदूद है आबादी हमारी ज्यादा है, जमीन रोज ब रोज घटती जा रही है, आबादी बढ़ती जा रही है । आपने परसों जब आसाम एकार्ड किया तो एग्रीमेंट में इस बात का इरादा किया कि अगर आसाम के लिए कांस्टीट्यूशन में तब्दीली करनी पड़ेगी तो हम करने के लिए तैयार हैं फिर काश्मीर के बारे में क्यों नहीं तैयार हैं उसको क्यों नजरअंदाज करते हैं । मैं हिन्दुस्तानी मुसलमान हूं काश्मीर का एक-एक मुसलमान हिन्दुस्तान के साथ रहना चाहता है लेकिन आप अपने तौर तरीके को बदल दीजिए, आप आसाम के लिए एक बात कहते हैं । नागालैंड में भी यह कानून है कि वहां कोई जमीन नहीं खरीद सकता है, आसाम में कोई नहीं खरीद सकता है वहां के लोकल कानून के तहत लिहाजा . . . **(व्यवधान)** वह अच्छी बात है, बहुत अच्छी बात है, वहां के हालात हैं **(व्यवधान)** हम उसकी ताईद करते हैं लेकिन एक बात आपसे कहना चाहता हूं **(व्यवधान)** काश्मीर की असेम्बली का मयार जब तक कायम है आप असेम्बली को मौका दीजिए । वहां लोग कहते हैं फ्रेस इलेक्शन होना चाहिए, असेम्बली के लोग कहते हैं कि फ्रेश इलेक्शन होना चाहिए । यह ड्रामा करने से इस्तीफा देने से मसला हल नहीं होता है । हम आपस में बैठकर मसला तय कर सकते हैं, इंशाअल्लाह मट्टू साहब को मुतमइन कर लेंगे और वहां की नेशनल कांफ्रेंस वालों को भी मुतमइन कर लेंगे । जो काश्मीर के लिए बेहतर होगा वही काम सही होगा और जो गवर्नर ने कदम उठाया है जो स्टेटमेंट हुकूमत ने दिया है मैं इसकी पुरजोर ताईद करता हूं । गवर्नर को काम करने का मौका देना चाहिए अगर इसमें मजीद इजाफा करना पड़ेगा तो मैं मजीद इजाफा करने के हक में हूं ।

(व्यवधान)

श्री दीपेन घोष : आप सुकुल को कहिए, सुकुल जी ने वह सवाल पूछा है । **(व्यवधान)** जमीन खरीदने का मांगा है . . . **(व्यवधान)** ।

†[شری غلام رسول کار (نامزد) :
جناب ڈپٹی چیرمین صاحب -
مجھے اس بات کا زبردست افسوس
ہے - کہ اپوزیشن کے ممبران نے
کافی حد تک گورنمنٹ کے اسٹیٹمنٹ
کے بعد کشمیر کے - کویشچن کو
ایسے ابھارا ہے کہ جیسے وہاں کوئی
قیامت آ گئی ہے - کشمیر کو
ہندوستان کے فیڈرل اسٹرکچر میں
باقی اسٹیٹس کے ساتھ ایک نظر سے

گورنر نے سب سے پہلے ڈاکٹر فاروق سے ٹیلی‌فون پر بات کی - انہوں نے کہا کہ میں گورنمنٹ بنانے کی پوزشن میں نہیں ہوں اور میں گورنر رول کے حق میں ہوں - کانگریس نے کبھی گورنر رول کی تمانڈ نہیں کی - لیکن گورنر رول آ جانے کے بعد وہاں پر جو حالات پیدا ہو گئے تھے - کریپشن - مال ایڈمنسٹریشن اور امن و امان میں روزمرہ کی زندگی میں افراتفری پیدا ہوئی تھی - اسکے بعد اسمیں کافی حد تک سدھار ہوا اور اسکا میں گورنر صاحب کو کریڈٹ دیتا ہوں - کہ جو انہوں نے اکھڑی ہوئی ریل کو پٹری پر لانے کی کوشش کی - گورنر کے اختیارات کو اس پارلیمنٹ میں اس ہاؤس کے ذریعہ آپ مداخلت کرنا چاہتے ہیں - لیکن اس پارلیمنٹ کو اسکا آئینی طور پر کوئی اختیار نہیں ہے - کشمیر کانسٹی ٹیوشن کے تحت اگر کوئی ایکشن گورنر نے لیا ہے تو کشمیر کانسٹی ٹیوشن کو یہاں قسکس کرنا - اس ایکشن کو یہاں قسکس کرنا - آئینی طور پر اس راجیہ سبھا- اس پارلیمنٹ کو کوئی حق نہیں ہے - لیکن بار بار ان باتوں کو اچھالا جاتا ہے - کشمیر میں اس کویشچن کو اچھالا جاتا ہے - مجھے ایک دفعہ ایک بڑے سمجھدار انٹیلکچول آدمی ملے پیٹری پاٹ تھے- انہوں نے کہا کہ سیاست کا ایک طریقہ کار ہے - بحث کے ناطے کے طور پر نہیں بلکہ بحث مباحثہ میں ایسے طور پر انٹیلکچول کو اپنا ہمنوا بنا دیتے ہیں - اور انکو پتہ ہی نہیں چلتا کہ ہم کہاں جا رہے دیکھنا - میں محسوس کرتا ہوں کہ نامناسب اور غیر ضروری ہے - کشمیر کا جہاں تک تعلق ہے - معزز ممبران اس بات سے بے خبر نہیں ہیں کہ ہماری سرحدیں پاکستان سے ملتی ہیں - چین کے ساتھ ملتی ہیں - اور بین‌الاقوامی طور پر برابر پاکستان کشمیر کے مسئلہ کو ابھارتا ہے - مجھے اس بات کا افسوس ہے کہ پروگریسو خیالات کے لوگ جو اپنے آپ کو کانگریس سے بہت آگے سمجھتے ہیں- اور مسائل کے بارے میں بین‌الاقوامی حالات کے بارے میں اپنا نظریہ الگ رکھتے ہیں اور پاکستان کے بارے میں ان کا موقف ہمارے مقابلہ میں زیادہ سخت ہونا چاہئے - وہ محسوس کرتے ہیں کہ وہ امریکہ کے توسط سے وہاں امیونٹی دے انیا لگ رہے ہیں - اور جب کبھی موقع ملیگا تو وہ ایک ہی سینسٹیو استیٹ ہے جسکو وہ بین‌الاقوامی طور پر ابھارنے کی کوشش کرتا رہا ہے - وہاں پر واو کر سکتا ہے - جموں - کشمیر میں کوئی غلط بات نہیں ہوئی ہے - ڈاکٹر فاروق عبداللہ نے خود ہی اس بات کی تصدیق کی تھی کہ کشمیر میں اسمبلی کو معطل رکھنا چاہئے - اور وہاں گورنر رول ہونا چاہئے - جب شاہ گورنمنٹ برسر اقتدار تھی - شاہ گورنمنٹ کو کانگریس نے سپورٹ ودڈرا کیا تو

بعد ہمارے گھر میں نہیں بلکہ نیشنل کانفرنس کے گھر میں طوفان آ گیا - ہم شیخ صاحب کی قدر کرتے ہیں - ایک ممبر نے شیخ صاحب کی بہت بڑی تعریف کی - شاید انہوں نے شیخ صاحب کی شکل بھی نہیں دیکھی ہوگی - انکا کام نہیں دیکھا ہوگا - مجھے فخر ہے کہ شیخ صاحب کے ساتھ پچیسویں ایک والنٹیر کے طور پر میں نے کام کیا ہے - سنہ ۱۹۳۱ء سے لیکر آج تک برابر کام کیا ہے - آج لوگوں کو اس بات کا خیال رکھنا چاہئے کہ ہندوستان کا سیکولر ڈیموکریٹک اثر قائم و دائم رہا تو یہ اسلئے کہ جو طوفان وہاں تھا - آگ زنی - اور ایک دوسرے کو مارنے کی حالت میں کشمیر کے لوگوں نے - وہاں کی عوام نے - ہندوستان کا ساتھ دیا اور اس آگ کو ٹھنڈا کیا تو اسلئے یہاں سیکولر ڈیموکریٹ کی بات قائم و دائم رہی .... (مداخلت) ....

ہم یہ محسوس کرتے ہیں کہ آپ کو گورنر کو موقع دینا چاہئے - حالات درست کرنے کا - لا اینڈ آرڈر کو درست کرنے کا - ہم یہ محسوس کرتے ہیں کہ وہاں پر ایڈمنسٹریشن میں افراتفری تھی - ایڈمنسٹریشن میں فنکشنلٹی کا پیٹرن تھا - آپ موقع نہیں دیتے ہیں - آپ کہتے ہیں کہ چوبیس گھنٹہ کے اندر سب ٹھیک کریں - آپ محسوس کرتے ہیں - کہ وہاں پر ایسے حالات ہے - ایک طرف تو آپ حالات کی وکالت کرتے ہیں اور دوسری طرف آپ کہتے ہیں کہ گورنر کو ہٹانا چاہئے - ٹھیک ہے میں آپ کے ساتھ متفق ہوں کہ گورنر

[شری فلم رسول کار]

ہیں - میں سمجھتا ہوں کہ وہاں پر آج پاکستان کے ذریعہ ہندوستان کے اتحاد کو درہم - برہم کرنے کی کوشش کی جا رہی ہے - پاکستان پنجاب میں مداخلت کر رہا ہے - اور کھلے عام وہاں - کشمیر میں مداخلت کرتا رہا ہے - اس پس منظر کو مد نظر رکھتے ہوئے - ہمارے اپوزیشن کے ممبران سے میری گزارش ہے کہ کشمیر کے بارے میں انہیں ایک محتاط طریقہ اختیار کرنا چاہئے - محض پارٹی پولیٹکس کے نام پر مرکز سرکار کو بار بار اسمیں الجھا کرنا - اور مرکزی سرکار پر الزام لگانا درست بات نہیں ہے - اب گورنر نے وہاں کے حالات کو سدھارنے کیلئے قدم اٹھائے ہیں - اسمیں ابھی تھوڑا وقت ہوا ہے - ابھی دو تین مہینہ ہی ہوئے ہیں - منسٹر صاحب نے کہا کہ گورنر کی مرضی ہے کہ وہ چھ مہینہ تک چھ مہینہ کے بعد بھی اسکو بڑھا سکتا ہے - تب آپ کیوں گورنر کے اختیارات پر مداخلت کرتے ہیں - گورنر نے کوئی برا کام کیا ہے - اگر گورنر نے وہاں پر آئینی حدود کے آگے بڑھکر کوئی غلط بات کی تو گورنر راج ہٹانے کی بات ہم سمجھ سکتے ہیں - لیکن ایسی بات نہیں ہے - وہاں کانگریس پارٹی یہ محسوس کرتی ہے کہ گورنر راج جو ہمارا ڈیموکریٹک سیٹ اپ ہے - ہمارے کانسٹی ٹیوشن میں اقتدار کی منتقل نہیں ہے - لیکن وہاں پر پاپولر سپورٹ کا ذریعہ بھی ہے تو اسمبلی جو ۶ سال کیلئے تھی وہ معطل ہو گئی - تین سال کے

جس طریقہ سے نیشنل پریس والوں نے کشمیر کے حالات کو پیش کیا - کہ کشمیر میں آگ لگی ہوئی تھی- طوفان آیا تھا - انقلاب آیا تھا - میں یہ محسوس کرتا ہوں کہ یہ بد نما داغ ہمارے کلچر میں نہیں ہونا چاہئے تھا - لیکن ایک واقعہ ہو گیا کون اس سے انکار کر سکتا ہے - جیسے آپ نے کہا صرف ۷۰ ہزار کشمیری پنڈت ہیں - وہ ہمارے بھائی ہیں - میں برہمن زیادہ ہوں - میں برہمن ہوں - میں وہی آپ کا پیر ہوں - ایسی بات نہیں ہے - کشمیری پنڈت میرے بھائی ہیں - لیکن ایک بات سنئے- (مداخلت) یہاں پر یمپوش کالونی ہے - یہاں مرکزی سرکار کے ایڈمنسٹریشن میں- اسٹیٹ گورنمنٹ کے ایڈمنسٹریشن میں ہزاروں لاکھوں لوگ کشمیری پنڈت ہیں یہاں بستے ہیں - یمپوش کالونی میں - انکو آباد ہونا چاہئے - انکو نوکریاں ملنی چاہئے - انکو عزت ملنی چاہئے - کیونکہ وہ ہوشیار طبقہ ہے - ہونہار طبقہ ہے - انکو کوئی ہیٹ نہیں کر سکتا ہے - لیکن جس طرح سے آپ پیش کر رہے ہیں کہ وہاں کشمیری پنڈتوں کو رہنے کا کوئی حق نہیں ہے - یہ ٹھیک نہیں ہے میں یہ کہتا ہوں کہ کشمیری پنڈت ہمارے بھائی ہیں - تاج ہیں- سرتاج ہیں- وہاں پر انکو زندہ رہنے کا پورا حق ہے- لیکن جس طرح سے آپ پیش کر رہے ہیں- اس سے انکا فائدہ نہیں ہوگا - انکا نقصان ہو گا-

دفعہ ۳۷۰ کی بات آپ کرتے ہیں- میں پروونریسو گروپ سے کوئی حقیقی علاج نہیں ہے - لیکن ۴ سال کوئے جو اسمبلی کے ممبران منتخب کئے گئے ہیں آپ کیوں انکا حق مارنا چاہتے ہیں - کیوں بار بار الیکشن کرانا چاہتے ہیں - الیکشن پر خرچ ہوتا ہے - آپ محسوس نہیں کرتے اس بات کو کہ ہمارے اس وقت لداخ کا علاقہ ہے جو جون جولائی میں راستہ کھلے گا - جون جولائی کے بعد انکو ریسٹ آف دی کنٹری کے ساتھ ملنے کا موقع ملیگا - آپ انکو کیوں نظر انداز کرتے ہیں - آپ ٹکوال کو بالکل نظر انداز کرنا چاہتے ہیں - میں آپ سے مودبانہ عرض کرنا چاہتا ہوں - گزارش کرنا چاہتا ہوں - کشمیر کے سیکولر کریکٹر کو برقرار رکھنے کیلئے- یہ علیحدہ بات ہے - کہ کچھ معزز ممبران نے کشمیری پنڈتوں کی بات کی - میں یہ کہنا چاہتا ہوں کہ کشمیری پنڈت ہمارے بھائی ہیں - ہماری ہسٹری بتاتی ہے - ہماری سبھیتا میں ایک بدنما داغ لگا تھا - کوئی مارا نہیں گیا تھا - کسی کی بیٹی کی عزت نہیں لوٹی گئی - لیکن اگو کسی کا مکان لوٹا گیا - کسی کی دکان لوٹی گئی - کوئی پوتر جگہہ جلا دی گئی ہمیں اس بات کا احساس ہے ہمیں اس بات کی شرمندگی اٹھانی چاہئے - لیکن ان حالات کو زیر نظر لاکر آپ ہندوستان کے حالات دیکھئے - آپ یو- پی- کے حالات دیکھئے - آپ احمدآباد کے حالات دیکھئے - وہاں کیا حالات ہیں - کشمیر کے حالات کو آپ ابھار رہے ہیں - اور مجھے احساس ہے اس بات کا میں نیشنل پریس والوں سے گزارش کرتا ہوں

[شری غلام رسول کار]

پوچھنا چاہتا ہوں - آپ ریاستوں کے لئے خود مختیاری چاہتے ہیں- آپ ریاستوں کے لئے زیادہ اختیارات چاہتے ہیں- آپ دفعہ ۳۷۰ کی مخالفت کرکے کیا ان فورسز سے ہاتھ نہیں ملاتے ہیں- جو اسٹیٹس کی خود مختیاری کے خلاف ہیں- .... ''مداخلت'' .... جہاں تک دفعہ ۳۸۰ کا تعلق ہے- جب آپ دوسرے لوگوں کی تائید کرتے ہیں- تو ان ڈائریکٹلی آپ اس کی حمایت کرتے ہیں- آپ اس چیز کو نہیں بھول سکتے- ان کے ساتھ گلے ملتے ہیں- مغل ملاتے ہیں- ہمیں جن سنگھ اور آپ میں کوئی فرق نہیں لگتا ہے- لحاظہ میری گزارش ہے ہمارا ۳۷۰ جو سلودھان میں رکھی گئی ہے - یہ کشمیر کے لوگوں کی بل سے کشمیر کی اسمبلی کی بل سے ہے- اگر وہاں کے لوگ وہاں اسمبلی اس دفعہ کو ہٹانا چاہتے ہیں- تو ان کی مرضی سے یہ ہوگا - آپ کی مرضی سے نہیں ہوگا - ہم اسکا ڈٹ کر مقابلہ کرینگے- لیکن جب تک ہماری جان میں جان ہے- جب تک کشمیر کے لوگ نہیں چاہتے کشمیر کی اسمبلی نہیں چاہتی تب تک دفعہ ۳۷۰ ختم نہیں ہوگی - جناب والا - ہمارے ایک معزز ممبر نے کہا کہ آئی-اے - ایس - افسر وہاں جاتے ہیں - جہاں تک اسٹیٹ سبجیکٹ قانون ہے یہ ادارہ کانگرس کے واسطے اسٹیٹ سبجیکٹ کا قانون نہیں ہے- یہ شیخ عبداللہ نے اسٹیٹ سبجیکٹ کا قانون نہیں رکھا ہے- مہاراجہ پرتاپ سنگھ کے زمانہ میں ہیں - کشمیر میں محدود زمین ہونے کے ناطہ اسٹیٹ سبجیکٹ کا قانون رکھا گیا - کہ باہر کے لوگوں کو وہاں زمین خریدنے کی اجازت نہیں ہے - بحیثیت سیاح کے - بحیثیت مہمان - بحیثیت حکم ان کے آپ آ سکتے ہیں- اسمیں کوئی رکاوٹ نہیں ہے - لیکن جہاں تک زمین کا تعلق ہے - زمین محدود ہے - آبادی ہماری زیادہ ہے - زمین روز بروز گھٹتی جا رہی ہے - آبادی بڑھتی جا رہی ہے - آپ نے پوسوں جب آسام اکارڈ کیا - تو ایگریمنٹ میں اس بات کا ارادہ کیا - کہ اگر آسام کیلئے کانسٹی ٹیوشن میں تبدیلی کرنے پڑیگی تو ہم کرنے کیلئے تیار ہیں - پھر کشمیر کے بارے میں کیوں نہیں تیار ہیں - اسکو کیوں نظر انداز کرتے ہیں - میں ہندوستانی مسلمان ہوں - کشمیر کا ایک ایک مسلمان ہندوستان کے ساتھ رہنا چاہتا ہے - لیکن آپ اپنے طور طریقہ کو بدل دیجئے - آپ آسام کیلئے ایک بات کہتے ہیں اور کشمیر کیلئے ایک بات کہتے ہیں - ڈگلیلڈ میں بھی یہ قانون ہے کہ وہاں کوئی زمین نہیں خرید سکتا ہے - آسام میں کوئی نہیں خرید سکتا ہے وہاں کے لوکل قانون کے تحت لحاظہ ..(مداخلت) وہ اچھی بات ہے - بہت اچھی بات ہے - وہاں کے حالات ہیں - .... (مداخلت) .... ہم اسکی تائید کرتے ہیں - لیکن ایک بات میں آپ سے کہنا چاہتا ہوں - .... (مداخلت) .... کشمیر کی اسمبلی کا جب تک معیار قائم ہے - آپ اسمبلی کو موقع دیجئے - وہاں

لوگ کہتے ہیں کہ فریش الیکشن ہونا چاہئے - اسمبلی میں لوگ کہتے ہیں کہ فریش الیکشن ہونا چاہئے - یہ ڈرامہ کرنے سے استعفی دینے سے مسئلہ حل نہیں ہوگا - ہم آپس میں بیٹھکر مسئلہ طے کر سکتے ہیں - انشاءاللہ مفتی صاحب کو مطمئن کر لینگے اور وہاں کی نیشنل کانفرس والوں کو بھی مطمئن کر لینگے -

جو کشمیر کے لئے بہتر ہوگا - وہی کام صحیح ہوگا - اور جو گورنر نے قدم اٹھایا ہے - جو اسٹیٹمنٹ حکومت نے دیا ہے میں اسکی پرزور تائید کرتا ہوں - گورنر کو کام کرنے کا موقع دینا چاہئے - اگر اسمیں مزید اضافہ کرنا پڑیگا تو میں مزید اضافہ کرنے کیلئے کے حق میں ہوں- .... (مداخلت) ....]

SHRI SUKOMAL SEN (West Bengal) Just on a point of order, Sir. The hon. Member was saying, perhaps he was aiming at us, that we have asked for the repeal of article 370. Only one speaker has demanded the repeal of article 370. Other speakers have not demanded the repeal of article 370. At least, our party has not demanded the repeal of article 370. We have stated that article 370 and the special status of Kashmir should remain. But I think this Member does not understand the stand of different parties.

SHRI GURUDAS DASGUPTA: Sir, there has arisen a serious question of misunderstanding. I made my point very clear. The CPI(M) has also made it very clear. We want that the special status of Kashmir should remain. We consider the demand to repeal article 370 as absolutely wrong. We do not agree with it. (*Interruptions*).

SHRI DHARAM CHANDER PRASHANT (Jammu and Kashmir): Sir, I will take only two minutes.

MR. DEPUTY CHAIRMAN : One person has already spoken from your party. Is there any clarification?

SHRI DHARAM CHANDER PRASHANT : Yes Sir.

MR. DEPUTY CHAIRMAN : All right, ask the questions only.

SHRI DHARAM CHANDER PRASHANT : Sir, I am thankful to you for giving me an opportunity to speak on Kashmir.

Sir, on the Kashmir issue complaints have been made about the existence of communal elements and anti-social elements, but their number is very meagre. If you look at the history of Kashmir before 1947, there were to parties, Sher and Bakra parties. The former was a secular party, led by Sheikh Abdullah, though it was called as the Muslim Conference. The Bakra party was a communal party, but their number was small. In 1947, after the partition when the entire country was burning Kashmir remaind peaceful. That is way Mahatma Gandhi said that there was a ray of hope in Kashmir only and now here else.

MR. DEPUTY CHAIRMAN : Please ask the clarification only. That is why the extra time has been given to you. I am not permitting a speech.

SHRI DHARAM CHANDER PRASHANT : But the number of these unsocial and anti-social elements steadily went on increasing. In 1947, Maharaja acceded to India. That accession was complete with no reservations. But I feel that was a

[Shri Dharam Chander Prashant]

mistake of the Centre to make this accession a temporary one. It should have been made permanent and if there was a need for a plebiscite, it should have been conducted then and there and the verdict of the people of Kashmir would have been in favour of India. But it lingered on. Our Central Government appealed to the Security Council. That was another mistake. What did the Security Council do ?

MR. DEPUTY CHAIRMAN: You ask clarifications. If you go into the history, you cannot complete. I am calling the Minister.

SHRI DHARAM CHANDER PRASHANT : When our Gopalaswamy Iyangar returned from the Security Council, he said that the Security Council has placed cart before the horse. What the Security Council did was, they sent Dixon and Graham who demanded plebiscite in Jammu & Kashmir. Thus, there have been so many mistakes committed by the centre in regard to Kashmir.

Pakistan attacked Kashmir in 1947; it attacked again in 1965 and again in 1971. In 1965.....

MR. DEPUTY CHAIRMAN: Please resume your seat : I am calling the Minister.

SHRI DHARAM CHANDER PRASHANT : I only want to ask two questions. Sir, what Pakistan wants is that it should be treated as a disputed area. I feel there is no dispute; the State of Jammu and Kashmir belongs to India: It will remain with India and the accession of Kashmir by Maharaja was one hundred per cent permanent. But it was made temporary and we are tasting the fruit of that mistake. When Pakistan attacked in 1965 and again in 1971, our valient forces captured Haji Peer bulge. Mr. Kar who was speaking now, was a Minister then and he was made in charge of that villey. This stretch of 36 miles links Poonch with Kashmir. When our forces entered that bulge, there were no roads ; there was no development and people were crying that Pakistan had done nothing for the people. But our army took it over ; we gave all amenities to the people ; we constructed the roads. But under the Tashkent Agreement, that area was given away to Pakistan. I want to ask the Government why was that area given to Pakistan ? In 1971, our forces captured so much of the area in Bajbath and vast areas of Shakargarh but Pakistan captured Chhamb in Jammu. But under the Simla Agreement, our entire area of Sialkot and Shakargarh was given back to Pakistan but I want to ask why was Chhamb given to Pakistan. This is our area. This is a part of our area which was given to Pakistan.

I want to know these things.

SHRI RAM NIWAS MIRDHA : Sir, elections were held in the State of Jammu and Kashmir in 1983 and National Conference headed by Dr. Farooq Abdullah took office when we thought that things would go in a proper way and the Government would be able to work well in a peaceful atmosphere for the development and progress of the State. But very soon it came to our notice that things were not all as well as they should be. There were a number of instances of anti-national activity. The State was being used as a base for terrorist activity. Communal elements came to the fore. In spite of the warning and the advice by the Central Government, things did not improve. It was in July, 1984, that the National Conference broke up. Why it broke up is a long history which we need not go into. I think, it broke up under the weight of its own wrong policies and its own mistakes. Then, the Government headed by Shri. G.M. Shah came to power. The Congress Party was not unhappy at the fall of the Government headed by Farooq Abdullah because of the background that I have given. The

Government did not serve the people of the State as well as it should have. It was thought that a chance should be given for the formation of an alternative Government and that is how a new Government headed by Shri G.M. Shah was formed. Unfortunately, this Government also did not work well. In 1985, ... (*Interruptions*) things again deteriorated. There were a number of communal incidents. Communal forces came to the fore. The Government of India again warned the Shah Government that they should take stern action against anti-national and communal forces which were getting active and restive there. Things went on like this. The worst thing happened in February, 1986, when communal incidents of a serious nature took place. Fundamentalist and obscurantist forces took over and there were incidents of a very serious communal nature in the valley and the whole peace of the valley and other areas was disturbed. Obviously, it seemed that the Government was not able to control these forces and that it was not in charge of the situation. There was looting of private property on a large scale and following these things, it was on March 7, that the Governor recommended to the President of India the imposition of Governor's rule. What happened afterwards, I have narrated in the statement. What has been done after the Governor took over, the House may be interested to know. While I appreciate that the hon. Members have expressed confidence in the Governor, the way he has been functioning there, I am sure, it is the wish of the House that his hands should be strengthened so that a clean and good administration is made available to the State. The State administration has since been revamped and geared up. Two advisers have been appointed by the Governor to assist him in the administration. The Governor has also visited the affected areas of the State to have first-hand information about the happenings. The police set-up has been strengthend by additional para-military forces. An appeal is being made by the Governor and other political leaders to maintain communal peace. Since the imposition of Governor's rule, no major serious incident has been reported. After the imposition of Governor's rule on 7th March, 1986 the law and order situation has started improving. Efforts have been in progress to restore normalcy and communal harmony. Orders were issued by the State administration that the life and property of the people should be protected and stern action should be taken against those who indulge in activities disturbing public order. The Governor of Jammu and Kashmir had a number of meetings with prominent citizens of important towns and villages. Such meetings were held in Jammu, Srinagar Phulwama, Sopore etc. Directions were issued to take stringent action against miscreants who indulged in lawlessness on places of worship. Hundred and twelve cases were registered in the valley in connection with the February disturbances and 521 miscreants were arrested. Eleven communal activists were detained under the Public Safety Act and 123 arrested under the preventive sections of the Criminal Procedure Code.

Sir, questions have been asked as to what compensation was given to those whose properties were destroyed, whose places of worship were destroyed. A sum of Rs. ten lakhs have been disbursed as compensation for loss of immovable property. Damaged houses have been repaired at State expense. Totally destroyed houses are being rebuilt at the cost of the Government.

Long term measures have been initiated to keep all aspects of security and law and order under constant watch. A high level State Security Advisory Board has been set up under the chairmanship of the Governor of Jammu and Kashmir. All agencies concerned with the the security of the State, including the Army, the B.S.F., and other Central Forces, are represented on

[Shri Ram Niwas Mirdha]

the Board. The Board reviews all aspects of security and law and order including the security of airports, other vital installations and places of historical and religious importance, besides ensuring constant and effective vigil at the border. This is about the actions that have been taken since the Governor took over.

It was said that we were going to pressurise the Governor so that he should make recommendations in a particular way. I can assure the House through you that we have no intentions to do so. We have not done in the past and we have will never do so in future. (*Interruptions*). Hon.Member himself said that the Governor has been sending certain type of reports and we have never interfered in what type the reports are sent. It was only on the basis of his reports that this action has been taken.

Well, Sir, as far as the Congress Party is concerned, the Congress Party has always been interested in the progress and prosperity of the State. (*Interruption*). It has been always for a clean administration and clean politics and we will continue to pursue this policy. I am sure with the cooperation of the House we will be able to do so.

Sir, a lot of questions , a lot of problems, have been raised which belong to the sphere of speculation. All I can say on the floor of this House is that nothing will be done which will be against the law and the Constitution of this Country. Everything that has been done has been constitutional and in future also we will continue to do so.

RESOLUTION ON DRAFT NATIONAL POLICY ON EDUCATION, 1986

MR DEPUTY CHAIRMAN : Shri Narasimha Rao to move the Resolution.

SHRI DIPEN GHOSH (West Bengal) : On a point of order. Before the Minister for Human Reources Development is allowed to move the Draft National Policy on Education, I would like to say that we have submitted as many as 30 amendments and none of them have yet been circulated.

SHRI CHITTA BASU (West Bengal) : As far as I am concerned, I was late in giving notice of my amendments.

MR. DEPUTY CHAIRMAN : The amendments were received very late but they will be circulated.

SHRI DIPEN GHOSH : They should be circulated. Otherwise, how can one...

SHRI NIRMAL CHATTERJEE (West Bengal) : May I make a submission ? It is 1.30. Let us break for lunch. Let him move the Resolution. In the meantime the amendments may be circulated after lunch hour.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND HOME AFFAIRS (SHRI P. V. NARASIMHA RAO) : Sir, I move the following Resolution :

"This House approves of the Draft National Policy on Education, 1986, laid on the Table of the Rajya Sabha on the 2nd May, 1986."

MR DEPUTY CHAIRMAN: You may make the speech if you like.

SHRI P V. NARASIMHA RAO: I do not propose to make my speech.

MR. DEPUTY CHAIRMAN: All the Amendments are received here but they will be circulated later. Let the Amendments be moved now.

Following hon. Members moved the amendments :

(1) Shri S. W. Dhabe;

(2) Shri Nepaldev Bhattacharjee;